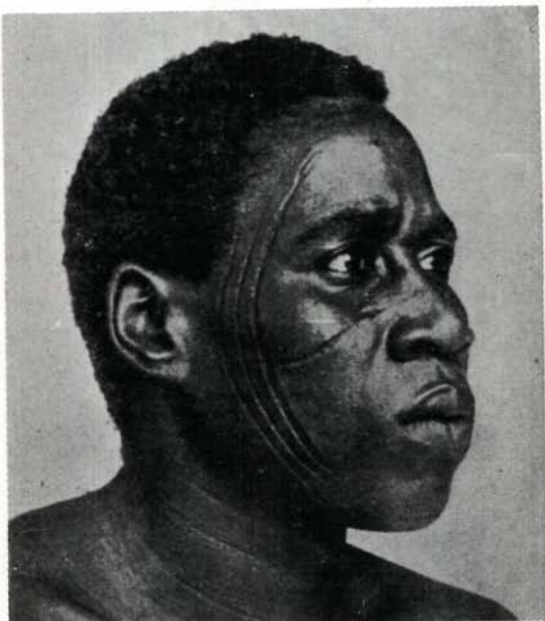


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Cover Picture: Head of a Manding male, adorned with
ritual scars. (See article: *The Migration Routes of the Proto-Mande*)

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DEFINING LIFE: THE ETHICAL CONTEXT FOR HUMAN QUALITY QUESTIONS

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The links between ethics, medicine and the law cannot readily produce appropriate criteria for human quality questions, largely because ethics are misconstrued where they are not excluded; but also because the science at issue is full of unknowns. The paper surveys issues in eugenics, abortion and euthanasia.

All forms of life have unique properties, in contrast with non-living things: movement, reproduction, ingestion, excretion, transpiration. Life is further distinguished from non-life by the ability, on a gradient from simple cellular life to man, to determine the future by goal-directed activity. This seeking seems to be a function of consciousness. Few people, however, would say that the same kind of life exists in the case of the adult in health, the fertilized ovum, the severely handicapped newborn, or the comatose person. Some would argue that the fertilized ovum or the comatose person or the severely handicapped child might be viewed as having few rights, if any, comparable to those of, say, the woman in whose body the ovum was contained and who might not want it, or the mother of the child with severe handicap, or the spouse of the comatose adult who might be aware that a life-support system was no longer justified as brain death was inevitable.

Such cases are increasingly common. As medical science and technology have made it possible for more people to survive the stresses of life, more severely disabled people, for example, have presented the issue of human quality. So have people with heritable diseases who wish to have or who do have children. There are similar life quality issues in the cases of young girls under the age of consent who do not want to become mothers and who have no prospect of providing a healthy home life for any immediate offspring, but who are pregnant; as also in the case of mothers with several children who do not want further children but who have become pregnant, who may want to have an abortion, but who can, though with difficulty, be considered as able to provide a healthy home life for the unwanted fetus.

There are many human quality questions in forensic medicine, in the laws of social welfare and in education policy which

show that there is no lack of controversy about defining the quality of life in an individual or applying the notion to large groups or to whole societies. Controversy arises from the introduction of some theories and facts to the debate, from the character of decisions in specific cases, and from the responses of the legal system, of the medical profession, of the Churches, and of academe.

At present in Britain, several such matters pose fundamental questions: the Yorkshire Ripper's life imprisonment for multiple murders; the judgment that there could be no cause of action for 'wrongful life' (i.e., being born disabled); the award of damages to a woman paralysed by misapplied drugs during childbirth; and there are other problems which one can mention. How should a working life be evaluated in monetary terms for those who may be exposed to significant levels of radioactivity? Is euthanasia in every case morally wrong? Should those who help to procure an easy death be regarded as accessories to a crime? Can infants be regarded as having absolute rights which the State can presume to defend if, on medical advice, their parents prefer to have medical treatment withheld so that the infants die? What is the life of the conceptus in terms of legal rights? When can an abortion be worse, more morally dubious, than a natural miscarriage? Can environmental chemicals, such as lead or toxic compounds, be regarded as lowering the quality of life of children born as well as unborn? If so, who is responsible in law? What ethical view should be applied to the abatement of such pollution? In short, do ethics, medicine, law, politics, and economics have any clear answers about questions of human quality?

Situation Ethics

In a world so peculiarly entangled in compromise and transition as is ours, there can be no final — and few unambiguous — answers. The ethics in question must be situation ethics rather than absolutes absolutely applied; for example, those of W.R. Inge (1930),⁽¹⁾ J.J. Fletcher (1966),⁽²⁾ I.T. Ramsey (1966),⁽³⁾

(1) Inge, W.R., *Christian Ethics and Modern Problems* (London, Hodder and Stoughton, 1930).

(2) Fletcher, Joseph, *Situation Ethics* (London, SCM, 1966).

(3) Ramsey, I.T., ed., *Christian Ethics and Contemporary Philosophy* (London, SCM, 1966). See especially the bishop's essay, 'Towards a rehabilitation of natural law', pp. 382-396.

or P. Ramsey (1978).(4) Much in each man's work would be endorsed by the others and by the readers of all; much is contentious, and some would be ignored by the non-religious. All these theologians are responding to the Christian tradition in faith and in crisis, but there can also be non-religious systems of situation ethics; for example, M. Burnet (1978),(5) E.O. Wilson (1978),(6) and G. Hardin (1978).(7) Again, there is scope for agreement, argument, and rejection.

It is also evident that the disciplines of medicine and the law are severely stressed by contemporary events. Like ethics, they must be sensitive to the divers elements of the total reality. Because the old assumptions of Judaeo-Christian religion are not unquestioned, the search by medics and lawyers for criteria acceptable to individuals and enforceable by institutions is no less laborious than their search for scientific criteria, grounded in observation of facts and verifiable not so much in the laboratory as in 'the real world.'

But science does not proceed by leaps and bounds from nescience to science, from theory to fact; and some matters of common concern to ethics, medicine and the law resist conclusions.

The science of human fertility has now made it possible for *in vitro* fertilization to result in human embryos; which can be used for experiment. There is no certainty that such experiments do not take place on a large scale, if in secret, and since experiments on laboratory animals can be, by the standards of the ordinary observer, rather disgusting, it is reasonable to fear lest the same insensitive pedantry may be 'guiding' experimenters with human material – somewhere in the world if not in Britain. In the context of *in vitro* fertilization, the notion of 'informed consent' with regard to an embryo is meaningless; therefore, the temptation to toy and to deny 'the sacredness of human life' is huge.

It is inadequate to protest, in the words of Denis New, a colleague of Robert Edwards, that: 'We're going to blow ourselves up or starve through overpopulation long before we have

(4) Ramsey, Paul, *Ethics at the Edges of Life: medical and legal intersections* (New Haven and London, Yale University Press, 1978).

(5) Burnet, Sir Macfarlane, *Endurance of Life: the implications of genetics for human life* (Cambridge University Press, 1978).

(6) Wilson, E.O., *On Human Nature* (Harvard University Press, 1978).

(7) Hardin, Garrett, *The Limits of Altruism: an ecologist's view of survival* (Bloomington and London, Indiana University Press, 1978).

to worry about babies in bottles.’(8) This view is deeply disturbing, since in an overpopulated world – admitted to be such by the speaker – research into *increasing* fertility seems to capitulate to forces rather than to use consciousness to form criteria, however provisional they may be. As for the view of Robert Edwards, ‘If you say ethics to most scientists, they disappear in a cloud of dust’, it must be objected that one has a right to expect a specialist in fertility research to have more positive views, and not to speak as a defeatist before the amoral or nihilistic members of academe – and the general public.

It is possible that the work on *in vitro* fertilization may result in a very positive development: an acceptable kind of eugenics. But ideas about eugenics will not be framed by scientists who prefer to speak in negatives, who dismiss big problems or minimize rational fears. It should be recalled that workers in recombinant DNA (genetic engineers) applied in the U.S. their own moratorium (1975), then within a new institutional framework of safeguards went through a hopeful phase in which health benefits were glimpsed as a result, but that the current phase emphasized biotechnology: industrial and commercial prospects.(9)

On analogy with these events, should one assume that the inevitable outcome of *in vitro* fertilization is the assembly-line production (somewhere) of a race of helots? It is by no means unlikely, when one takes a view resting on the facts of miniaturization, cloning, technology transfer, and the general amorality of scientists *qua* scientists, so neatly mentioned by Edwards. Paul Ramsey has identified the tendency, in a wider frame of reference:

Our great medical centers move more and more in the direction of incorporating socioeconomic considerations and cost analysis into the rationing of medical care.(10)

It can be argued, however, that some problems with costly consequences are not appraised, either through fear or ignorance; and that the main reason is a narrow focus and a short

(8) Turney, J., ‘The future in embryo’, *Times Higher Education Supplement*, 15.10.82, this and next quotation.

(9) Boyer, H.W. and Nicosia, S., eds., *Genetic Engineering* (Amsterdam, New York, Oxford, Elsevier/North-Holland Biomedical Press, 1978). To gauge the extent of developments in the science, technology and reflexion on such matters, cf Benjamin, Bernard, Cox, Peter R., and Peel, John, eds., *Population and the New Biology* (London, New York, Academic Press, 1974).

(10) Reference 4, page 211.

sight. In other words, a reluctance to introduce ethical views to scientific possibilities and trends may be producing extremely costly consequences; which are no less real problems for individuals, as moral and social beings, though the current approach may be to minimize this reality. There is a further problem. Ethics are not necessarily 'liberal' or familiar, and precisely because of the different circumstances in which man now exists, different criteria may be relevant.

Cost of Scientific Progress

As medical science and technology advance, assuming that progress will occur in a world vulnerable to nuclear war, it is probable that human quality issues will demand the analysis of legal minds as well as churchmen, medical and other scientists, and ordinary citizens, for two main reasons. First, more handicaps will become identifiable early in pregnancy or predictable by study of family histories (e.g., haemophilia). Second, nearly every liveborn infant will be remediable, if methods of treatment improve.

Already it is clear that matters are further complicated by the question of costs. By what criteria are two persons in need of renal dialysis assessed if only one kidney machine is available? More broadly, is the National Health Service, for example, better employed in providing for abortions or for increasing the number of women able to have babies? What should be the policy of the State's physicians to women with salpingitis (blocked fallopian tubes) or other pelvic inflammation, unable to have babies without surgical intervention, and unable precisely because of promiscuous intercourse without barrier forms of contraception?

Moral and political issues are central to health. For example, carcinoma of the cervix is increasing through the neglect of barrier methods of contraception. There is a high rate of salpingitis among U.S. blacks, and among British blacks. In both countries the consorts of the women are often very promiscuous and not only with black women. These consorts may seek treatment at VD clinics, but they are not prepared to let their women go or to name their contacts. One can regard this complex of problems as a new form of natural selection, operating with the same indifference to human wishes characteristic of disease in medieval cities or in the slums of contemporary Sao Paulo. But one can see nevertheless that the concern of physicians to

maintain and enhance life is inseparable from the political, legal, social and economic arrangements which constitute the environment of the citizen who presents with disease. Further there is also to be considered the cultural, religious or ethical influences on the citizen. Human quality issues are manifestly political and ethical, even when individuals behave regardless of politics and ethics.

There are two main problems in considering human quality issues. First the law, mindful of the need to defend the liberties of the citizen, even in a secular age, regards life as sacred: the sanctity of life is the way in which the law describes this unique phenomenon.⁽¹¹⁾ Second, the reality of evolution is never absent; nature is no more a respecter of persons than God is of justice. Thus, one may enshrine human rights to life in constitutions and statutes; but the widespread practice of abortion, like the pervasive incidence of VD, the march of rabies westwards through Europe, or the bubonic plague of the middle ages, is something responding to human habits and human frailty at a level deeper than religion can penetrate in most instances.

(11) But the dissentient view of David A.R. Green, LLB, of Rhyd yr Harding, Castle Morris, near Haverfordwest, indicates how conditional is the phenomenon of life. 'Only sometimes and in some degree via:

- 1) Abortion may be lawful under the Abortion Act 1967.
- 2) Infanticide may attract much diminished penalties — death caused by woman suffering from after effects of childbirth: usually her *own* child but need not be.
- 3) Child Destruction (Infant Life Preservation) Act 1929 — killing a fetus capable of being born alive) "Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother."
- 4) Self-defence is justifiable homicide where reasonable force is used.
- 5) Suicide is no longer a crime, though participating in a suicide pact will result in any survivors being charged with the murder of any who did not survive.
- 6) Death caused on the public highway with a road vehicle is not of itself criminal unless caused:
 - i) by dangerous driving (Death by Dangerous Driving)
 - ii) deliberately — murder
- 7) Death caused by gross neglect not amounting to intent to kill or through diminished responsibility is manslaughter.
- 8) War. 'In summary', he continues, 'the law does not regard the *life* as anything in particular. The *taker* of life is subject to penalty at all is penalized differently dependent on *his* circumstances. Only in the case of:
 - i) justifiable homicide
 - ii) abortion on the ground of possible physical or mental defect
 - iii) war

does the life, or what it is or has been up to then, have any bearing on the law's attitude.' Letter, July 13, 1982. I am indebted to Mr. Green for his consideration of this paper in draft.

Human Quality

I wish to consider the question of human quality under the heads of eugenics, abortion and euthanasia. There are manifold problems. There is the problem of defining the normal, the healthy citizen, the desirable environment. We know that in this age of transition thousands of chemicals affect life from before conception until death. Uterine life is subject to many influences, whether of noise, emotional unease in the mother, her nutrition, or the chemicals in her environment. We do not know how dangerous many of these stresses may be; for example, the controversy over low-level radiation. Similar uncertainties of measurement and evaluation apply to every human being. The links between life and non-life are subtle, intimate, and incompletely understood; but what is known is not comforting.

Many of these influences require time, money and careful monitoring before they can be fully understood. The rate at which chemicals, for instance, enter the environment, for all manner of purposes, may mean that irreversible changes take place to which human adaptation may be inadequate; with the result that over a lifetime or over several generations the quality of life for the individual and the group may be diminished. It has to be admitted that why and how people survive, transcending great threats to survival, both chronic and acute, is not fully understood.

Barriers to examining the question of human quality in eugenics arise, i.e., the problem that the welfare state ideology has made all questions of quality, where the notions of superior and inferior arise, somewhat embarrassing. But whatever the degree of equal opportunity in the welfare state, the blacks of London, Liverpool and Bristol think they have been kept out of the competition which the welfare state has supposedly permitted all to enter. Some whites realize that if compensatory mechanisms are to be introduced in a society, they must be based on a sound knowledge of the social environment and also upon a sound evaluation of the inherited qualities and potential ability of the blacks. This kind of problem, though manifest in other European countries besides Britain, is not treated with frankness, scholarship or urgency.

There is another problem in discussing eugenics, abortion, euthanasia and similar questions; that is the problem of imagin-

ing the aftermath of social devastation, whether from something like the medieval plagues or from what would presumably be worse, viz nuclear war. In that imagined context, human quality issues would be presented on every side.⁽¹²⁾ It is prudent, therefore, to consider what we can do, not only to avoid nuclear war, but to maintain the healthy coping mechanisms of mass societies; so that the stresses of selection, whether obviously natural or covert, may be identified, and the quality of human life be maintained or improved.

Eugenic and Dysgenic Reality

It seems useful to start with the sound biological criteria, formulated by the Australian biologist Sir Macfarlane Burnet, as four rules for a modern ethic (1978):⁽¹³⁾

1) To ensure for every individual human being the fullest measure of health that is allowed by his inheritance.

2) To provide for everyone the opportunity to develop intellectual and manipulative skills within the limits of his inherited capacity to learn them.

3) To ensure for all the opportunity for achievement and the recognition of success.

4) To ensure that opportunity to attain mental and bodily health, and to find satisfaction in achievement, will be available to all future generations in a measure not less than what we now enjoy.

He adds: 'Everything in that list has genetic implications.' His principles with regard to the biosphere and its resources are as follows:

The resources of the earth must be maintained for the use and enjoyment of future generations by ensuring four things:

1) That unrenovable mineral resources shall not be exhausted before effective substitutes can be made from always available materials.

(12) Katz, Arthur M., *Life after Nuclear War: the economic and social impacts of nuclear attacks on the United States* (Cambridge, Massachusetts, Ballinger, 1982).

(13) Reference 5, pp. 220-221, 210-211. Sir Macfarlane Burnet's contemplation in old age (78 at time of publication, 1978) of human quality problems gives his views a clarity and poignancy which is admirable. There are several precise recommendations on the subjects of this paper. Yet, though he is the former co-worker of Sir Peter Medawar, he seems to have been ignored. His authority in these matters indicates that his views should be considered in any reform of the law.

2) That energy from fossil fuels shall be replaced in time by perpetually renewable sources of energy.

3) That the environment shall not be poisoned by industrial and military wastes.

4) That adequate areas shall be preserved to allow the indefinite persistence of all significant forms of wildlife and ample areas of natural beauty or special interest.

These criteria are the result of reflection on medicine and biology, particularly immunology, which have constituted his lifework. They provide a framework for his observations on human quality.

Now, less than 5 per cent of children in Western communities are lost, and this sudden relaxation of the winnowing function of natural selection must result in an accumulation of individuals whom we would call inferior in terms of our current values on health, intelligence, and aggressiveness.

We must remember, however, that in the eyes of evolution there is only one criterion of success: an increase in the number of individuals reproductively active as one generation succeeds another. If healthy, vigorous, intelligent people average two surviving children per family while others of low intelligence and slovenly habits rear four or six to adult life, the latter is the biologically more successful group in the existent environment. Even if its existence is only made possible by payments from the state and supervision by welfare officers of all sorts, the reproductive success of the 'inferior' group marks them as biologically superior. Insofar as the relevant characters are genetic, they would be the sort of people to inherit the future, if the current pattern of the welfare state persists indefinitely.

The validity of the reasoning I have been using is strongly disputed by many authors, particularly those in the fields of education and sociology but including some biologists of high academic status, such as Lewontin. They have the moral and political support of the great majority of those who regard themselves as underprivileged, and there is a major opinion trend that, irrespective of which side is 'right' in regard to the facts, current democratic values and political expediency demand that no differences in genetically based abilities shall justify any differential

social treatment of individuals. However unsatisfying such an attitude may be to those who feel that they have genetically based capabilities that the community should foster, they may have no alternative but to accept it for the foreseeable future.

I am content if we can ask the community for no more than the right to go on studying the distribution of human abilities and other socially significant qualities for a long enough time to establish what objective changes are taking place and to evaluate the genetic component in the longer term changes. In all probability, significant genetic changes will first become unmistakable when medically important genetic defects become unpleasantly evident, and, no doubt because of my special professional interests, I feel that a diminution in the average resistance to infection may be the first one to be established.

This recent statement of the case for eugenics is a useful summary of the theory and the fears to which it gives rise. We may approach the matter from another angle. The population of any organism is affected by two main factors, heredity and environment; which can be studied in two perspectives, quantity and quality. But what is the precise limit of each element in the equation of the life-chances of the population? Can anyone say that Lamarckian evolution is now perceived to be entirely invalid theory? The fact is that British social reform has operated the Lamarckian view while conceding the Darwinian. It has been believed that over generations the acquisition of desirable characteristics can produce a better kind of life and a better citizen to enjoy it. The same principle has been applied in other countries; but few have vindicated it beyond doubt, and none, I think, has ignored the force of the theory of natural selection as Darwin proposed it; though few persons could say that they knew that Darwin was explicitly in favor of traditional values and that he applied ethics continually to his biological insights. In short, Darwin gave place to the Lamarckian view. The paradox is that Darwin's respect for quantity only emphasized the concern with quality which illuminates his work. (14)

(14) Cf. Brett-Crowther, M.R., 'The philosophy of science and its possible effects', *Science and Public Policy*, 9.1, 35-47, 1982. Darwin's views on the Fuegians, *Descent of Man* passim, may be compared with his view on the ethics of savages in the light of his moral philosophy, *Descent*, Pt. I, Ch. IV, and on 'elimination of the worst dispositions . . . even in the most civilised nations', Pt. I, Ch. V.

Let us go further. It is not historically evident beyond all doubt that though the biologically superior but ethically inferior inherit the future they actually *command* it. The doctrine of the dominion of man in the Judaeo-Christian tradition is strangely symbolic in this respect, for it is based on the notion of the landowner's steward as directing affairs for his sake. The fact is that the achievements of the middle ages were not necessarily the product of the reproductively superior or even, on the whole, the sexually active. From the monasteries, the cathedral schools, and the courts of Europe it was the monks and celibate priests who carried forward the treasures of learning. The story of Abelard and Heloise is typical in the sense that a life of celibacy was often the means to disseminating the characteristics of intellect, emotions and worldview of those who, otherwise, had no influence on the question of human quality except, obviously, so far as their absence from the reproductive group tended to lower its level of excellence.

It is by no means impossible that Malthus' idea of the threatened middle classes⁽¹⁵⁾ should be made future reality, on the same pattern. One must remark that the contribution of an exceptionally good man is often in inverse proportion to his success as a breeder of children.

It is notable that Darwin emphasized ethics, the possibility of acquiring characteristics, in his consideration of eugenics; and the same coloration may be seen in the words of the Canadian biologist Roy Fraser (1932).⁽¹⁶⁾ I shall quote him at length:

Disease is the result of some violation of natural law — the organism has failed to make the responses demanded of it by Nature. Somewhere there has been weakness, unadaptiveness, or disobedience, sometimes in the individual and sometimes in the faulty generations preceding it

One thing alone is clear — that the future of our physical life will be just what we determine to make it, and that our determination must be the only motive power that

(15) Malthus, T.R., *Essay on the Principle of Population*, 1798, Ch. IV.

(16) Fraser, Roy, 'Man's attitude towards his physical life', *Canadian Public Health Journal*, XXIII. 12, 587-596, 1932. Fraser was Professor of Biology and Bacteriology, Mount Allison University, Sackville, New Brunswick; his paper was an address before the Canadian Life Insurance Officers' Association, Annual Meeting, Royal York Hotel, Toronto, November 18, 1932. Cf same issue Parney, F.S., 'The venereal disease situation in Canada', 553-561; and Van Wyck, H.B., 'Maternal mortality', 562-566. Much of this kind of presentation remains valid as a statement of the objectives of a public health scheme.

can enable science to improve the quality of human life.

Fraser held that in the light of contemporary knowledge 50 to 70 percent of the costs of illness were for preventable illness. He had in mind particularly the problems of congenital venereal disease, which others at that time found to be a scourge in Canada. Fraser goes on to argue that the body is not a self-governing (he means self-correcting) system, and that man must know how to run it 'under the very unnatural conditions that our civilization has brought about.' In higher education, he believed, most students showed 'little or no knowledge of the complex and imperative interests of their physical lives.' Even after preventive medicine, public health, and therapeutics had overcome much illness, folly, carelessness, bad physical management, and dysgenic impairment (sic) would remain.

What then is our central problem? To conquer ignorance? No. To conquer folly and selfishness and injustice as well as ignorance; to add to the cold white light of research the warm glowing light of greater sympathy and tenderness and compassion to give democracy a new definition and a new vision, wherein every child shall have a fair opportunity to begin life without the handicap of disease or feeble-mindedness or a degrading environment, for there is no room under the justice of God or man for the cruelty of such a predestination.

I am not sure that such concepts of predestination would be even nowadays entirely abandoned by some Calvinists, but what is notable in this passage is the view that predestination, if you like, can now be predestination for all to glory rather than election of some to glory and many to damnation. Let it be admitted that this idea is not identical with welfare state ideology, which is framed in very different terms.

Fraser took the synthesis of science and religion further: "The two greatest potentialities for good in the world today are Christianity and science. The first is the principal force; the second is the principal tool." But, continues Frazer, "it is hard, at present, to reconcile Christian practice with scientific fact." What then follows requires very careful attention:

The Christian doctrine says: 'Protect the weak; enable the unfit to survive.' The scientist says that that is unbiological. He says that that increases our physical liabilities, our social and governmental problems, and he is right.

What is the answer, then? This: that we must express the Christian motive through the scientific method. It is not in keeping with the genius of Christianity that we should permit any life to enter the world, damned before it was born. 'Whosoever shall offend one of these little ones, it is better for him that a millstone were hanged about his neck and that he were drowned in the depth of the sea.'

Nor is it in keeping with the genius of science that we should continue to bungle when we have laboriously worked out a better way.

Our attitude toward the congenitally handicapped, the hereditarily defective, the feeble-minded, is neither Christian nor scientific.

We are not un-Christian in the ordinary sense of the word; we are simply applying a lower level of Christian helpfulness where we might apply a higher one. If instead of our belated ministrations we were to direct our best efforts toward prophylaxis, we would bring our Christianity to a higher achievement of mercy and justice.

I agree very heartily with that wise physician, Dr. David Stewart, who said: 'It is a very fine thing to play the Good Samaritan, but it would be a far better thing if we got out and policed the road from Jerusalem to Jericho.'

Gentlemen, the highest form of compassion is prevention! The highest form of Christian service is that which gets there before, not after. The highest application of human biology is eugenics. It is simply the doctrine of fair play applied to birth. It is democracy expressed in terms of biological law. It is, as Wiggam writes in his New Decalogue of Science, 'the Golden Rule projected down the hereditary stream of protoplasm — "Do unto both the born and the unborn as you would have both the born and unborn do unto you."'

Fraser concludes by arguing that a force opposed fundamentally to his view of eugenics is that of religio-fatalism, viz that disease is the will of God. One must remark that current thoughts on disease in the Churches emphasize not this view at all, but rather the role of the ministry of healing. Whether through the sacrament of penance, the laying on of hands, unction, relationship expressed through the liturgical kiss of peace, the bonds of the sacrament of matrimony or by other

means, the notion of healing expresses the view that redemption or full health is for the whole person, the whole of society, and not something linked to an Augustinian or Calvinist view of election. Equally, one must remark that religio-fatalism is not only the essence of Islam but is pervasive in many religions, being integral to the worldview of most Third World countries. One may see such deterministic views, views which minimize the scope for choice and freedom, or which constrain the notions in a framework where duty is more important than right, in Western social institutions such as the law. This is not something which should remain unquestioned in regard to human quality matters.

In 1930 the Anglican Modernist theologian W.R. Inge, (17) Dean of St. Paul's (sometimes called the gloomy dean) made a case for eugenics, which he saw as central to the population question.

One of the most ominous and discreditable symptoms of the want of candour in present-day sociology is the deliberate neglect of the population question. It is or should be transparently clear that if the State is resolved, on humanitarian grounds, to inhibit the operation of natural selection, some rational regulation of population, both as regards quantity and quality, is imperatively necessary. There is no self-acting adjustment, apart from starvation, of numbers to the means of subsistence. If all natural checks are removed, a population in advance of the optimum number will be produced, and maintained at the cost of a reduction in the standard of living. When this pressure begins to be felt, that section of the population which is capable of reflexion, and which has a standard of living which may be lost, will voluntarily restrict its numbers, even to the point of failing to replace deaths by an equivalent number of live new births; while the underworld, which always exists in every civilised society – the failures and misfits and derelicts, moral and physical – will exercise no restraint, and will be a constantly increasing drain upon the national resources. The population will thus be recruited, in a very undue proportion, by those strata of society which do not possess the qualities of useful citizens.

(17) Reference 1, pages 251-252 and 271.

The importance of the problem would seem to be sufficiently obvious. But politicians know that the subject is unpopular. The unborn have no votes

Inge used the gospels to defend his case for eugenics.

Sir Francis Galton used to say that eugenics ought to be a religion. It is a religion, and its name is Christianity. The Gospels contain the most uncompromising eugenic utterances. 'Do men gather grapes of thorns, or figs of thistles?: 'A good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit.' 'Every tree that bringeth not forth good fruit is hewn down and cast into the fire.' In this, as in several other matters, the new morality can appeal to the Founder of Christianity across long ages in which His followers have distorted His precepts or failed to understand them.

The new morality insists that if 'everyone is to count for one,' we must remember that the majority are not yet here to plead for themselves.

The reformist concern with society, culminating in the establishment of the welfare state, is reflected also in the observations of Sir George Thomson (1955).⁽¹⁸⁾ He pointed out that 'the present differential birth-rate between classes tends to a general lowering of the standard of intelligence as generation succeeds generation. The effectiveness of the educational ladder', he continued, 'makes this more serious than it ever was.' Like Malthus, he mentioned that the capable boy from a poor home would be at financial disadvantage when associating with those with whom he went through education. 'One of the easiest ways to neutralize such differences of income and appear equally well off is to have fewer children.' His view was no less compassionate than Burnet's, Fraser's, Inge's or those of Malthus and Darwin.

Besides the bad effect of decreasing the intelligence of the country the present method has the disadvantage that if it persists for a few generations it will create a real and permanent difference between the classes, and the poorer ones will be 'lower' in a sense that was not true when the phrase was commonly used. On the other hand the nation needs intelligence now, and can hardly afford to leave clever boys in unimportant jobs merely to provide for the

(18) Thomson, Sir George, *The Foreseeable Future* (Cambridge University Press, 1955), p. 142.

next generation. The obvious solution is to make it pay for skilled workmen and the professional classes to have more children and for the unskilled to have fewer. But this is politics, and the outcome is unforeseeable

One asks whether an effect of mass unemployment in industrial societies may not be to make it difficult for the unskilled to have children. It is more probable, as Inge believed, that the skilled and professional classes will restrict their birth-rate, while, in the short term at least, the unskilled can maintain theirs in the confidence of support from the welfare state.

One can sum up the case for eugenics by remarks both practical and philosophical. First, the case is accepted to the extent that genetic screening and genetic counselling take place. Consider the example of Huntington's chorea: a form of heritable disease for which there is no known cure and which leads to dementia during the 30s and culminates in gradual paralysis. In an area of South Wales where this disease had a high incidence, genetic screening and counselling have virtually removed it. Informed consent to sterilization in such cases is of course required. Another form of control is the positive abortion program. Where the situation may not be clear, as where there may be a sex-linked trait, such as haemophilia, a healthy fetus might have to be terminated for the sake of the general good. This may cause anguish to all concerned; yet situation ethics justifies this action. A range of chromosomal abnormalities, metabolic disorders and mutations can now be identified. The abridgement of freedom is acceptable in these cases. Abortion is at best a horrid compromise and may entail some risk to the mother whose fetus is aborted; but situation ethics justifies such a form of eugenics. (19) The Christian may well see such killing in the context of Jesus' own death, of whom the high priest said 'it is expedient for us that one man should die for the people, and that the whole nation perish not (John 11.50).'

Second, it is prudent to consider eugenics as being for the avoidance of certain specific evils (identifiable illnesses) rather than for the achievement of unspecified goods; though eugenics presumes a social future and an individual type which is on

(19) The risk of death in childbirth may be statistically higher than the risk of death from 'therapeutic abortion'. This does not mean that any mother-to-be who is being aborted can be free of the risk; numbering chances merely emphasizes that chance is real; it does not prove that it is controllable. Presumably, a mother-to-be with an identified risk of abnormal offspring would set that against her own risk of death, and perhaps risks to society also.

average better than it believes the existing population to be, but which it cannot easily define in advance. The fact that genetic screening and genetic counselling takes place indicates that the medical profession and many patients have understood that eugenics is good.

Group Differences

The potential for evil has been found by some in the views of William P. Shockley,⁽²⁰⁾ who has looked at the incidence of crime and poverty in families in the United States and has inferred that bad genes run in families. In the context of the collapse of the Great Society mythology of contemporary America, such views deeply wound the American liberal, and yet the shock was prepared for. The idea of the quality of life arose from the contemplation of problems associated with maintaining economic growth sufficient to raise the standard of living to a level of wealth for mass societies. As J.K. Galbraith argued,⁽²¹⁾ with the benefits came also a dichotomy, that of public affluence and private squalor. Why are so many people living in poverty in the U.S.? Why, answered Shockley, obliquely, if not because of their genes which cannot permit them to cope successfully with the stresses of their environment. To be fair to Shockley, it would seem that he has been opposed because he has remarked the incidence of crime and poverty in black families as well as white. He has also been concerned to defend the case for sterilizing those by whom inherited illness can be passed on to wreck other lives; for example, Huntington's chorea. He has not suggested that anything but the usual procedures of genetic screening and genetic counselling should be followed in approaching the issue. But he has carried his eugenic beliefs further by supporting the establishment of The Repository for Germinal Choice (see *The Mankind Quarterly*, Volume 26 Numbers 3 & 4, Spring and Summer 1986) for the purposes of artificial insemination by genetically well endowed donors.

(20) The usual kind of reaction to Shockley may be gauged in Michael Leapman's article, *The Times*, March 24, 1972. This together with a selection of his and his opponents' articles is available on request. It is notable that his opponents have generally misrepresented his views. These are summarized in his 'Population control of eugenics', an offprint from Kusch, P., ed., *Genetics and the Future of Man* (Amsterdam, North-Holland Publishing Co., 1965).

(21) Galbraith, J.K., *The Affluent Society* (London, Pelican, 1962; first published London, Hamish Hamilton, 1958).

The American media has reacted to Shockley's views with criticism and horror. Although Garret Hardin(22) may not have been explicitly in favor of Shockley, he has through his lifeboat ethic merely projected the views of Shockley from a single society to those which make up the Third World. (Hardin's lifeboat is like a boat carried on a liner, not the kind which initiates rescue action). Hardin's term calls to mind the maladministration which was popularly associated with the use of lifeboats on the *Titanic*.

Hardin has re-stated Malthusian and Darwinian views without apparently realizing how much ethical thought accompanied them. Hardin's lifeboat ethic concerns the real problem of making choices between disagreeable options — the problem which provokes situation ethics — but involves some misunderstanding of the problem of food supplies, which is far more of post-harvest losses than anything else. Nevertheless, Hardin has promulgated his lifeboat ethic as an extension to his theory of the tragedy of the commons; and since Hardin does not think that any underdeveloped country is absolutely worse endowed than countries in the developed world, one must infer that the social environment of Third World societies is at fault. Yet the social environment is both a function of and an effect upon those who inhabit it or who have made it. How much have their genes affected their environment?

Another redoubtable American, Katherine Mayo (1927)(23) argued that most of India's problems of poverty and slow adaptation to modern benefits were a direct result of Indian cultural attitudes towards birth, marriage and the resultant sex life. She found medical opinion to corroborate her view, because there were repeated examples of the fact that venereally diseased, sexually overused child brides and their equally unhealthy husbands could not produce healthy children. Further, the genetic pool was continually polluted by the very practices of child marriage and early and frequent sexual activity which unreformed Hinduism sanctified. These Mayo considered to be more important than the low level of sanitation and unhygienic practices such as disposing of the bodies of infant children in rivers, rather than cremating them. It should be noted that marriage practices were one reason why Raja Ram

(22) Reference 7.

(23) Mayo, Katherine, *Mother India* (London, Jonathan Cape, 1927), especially pp. 29, 38 and 60. There are some notable self-criticisms from Indians.

Mohun Roy, (24) the Father of Indian Reform — indeed, of Modern India — sought in the 19th century to purge Hinduism of its faults and did so by emphasizing the ethics of the Vedas. The British met with continual difficulty over their attempts to raise the marriage age during the British raj. (25) The same problem, incidentally, has appeared in Muslim societies which have sought to modernize. (26)

What is important about Mayo's findings is that even today they are banned in India. Yet no student of women's health and welfare will dispute their importance; or overlook such facts as the manner of childbirth, role of abortifacients, long-term effects of herbal medications in pregnancy, (27) and the fabric of social custom with regard to many other Third World countries: both in the year 1927 and today.

Like Mayo, Brian May (1981) (28) raised the question of racial variations in regard to the causes of poverty in the Third World. May felt that a satisfactory comparison of intelligence between cultures could not be made; and that such differences would not be so great as to prevent innovation and technical change. He suggested that a more useful enquiry would be to ask whether racial variations in cerebral biochemistry cause the Third World to prefer aesthetic and occult pursuits to those activities which exist more markedly in Western societies and which underlie technological innovation and economic growth. He noted with Jung that racial psychic differences existed; the East exaggerating the importance of the unconscious, the West the importance of the conscious. So, May asks, are there racial factors which bring the left (reasoning) half of the brain into prominence in the rich North and the right (emotional) half into prominence in the poor South?

Does biochemistry cause a preponderance of emotional-

(24) Roy, Raja Ram Mohun, Translation of Several Principal Books, *Passages, and Texts of the Veda* and of some controversial works on Brahminical Theology (Calcutta, Memorial Edition, Society for the Resuscitation of Indian Literature, 1903). Roy lived 1772-1833. Cf de Bary, Wm. Th., ed., *Sources of Indian Tradition*, Vol. II (New York and London, Columbia University Press, 1958), pp. 29-32.

(25) Philips, C.H. ed. *The Evolution of India and Pakistan 1858-1947 Select Documents* (London, New York, Toronto, Oxford University Press, 1963), re: child marriage, age of consent etc., pp. 759-762.

(26) Cf also Watts, M., 'Prospects for development in Latin America', *Science and Public Policy*, 9.4., 187-193, 1982.

(27) Schoental, R., 'Prevention or cure? Use of toxic herbs and geographic pathology', *Tropical and Geographical Medicine*, 24, 194-198, 1972.

(28) May, Brian, *The Third World Calamity* (London and Henley, Routledge & Kegan Paul, 1981), p. 253.

ism in one race and of rationality — as distinct from intelligence — in another? There is no need to be troubled at this stage about whether this would amount to determinism; for degrees of freedom are not excluded. All we are trying to do is to seek some clarity in the baffling problem of the stagnation that afflicts most of the world.

The rich North includes within the European Economic Community the situations and the people about whom questions of racial variation should be raised, for the sake of their advancement as well as that of the average European. What is urgently needful is that those in the academic community who have a philosophical, ethical, historical, medical, and scientific understanding should provide studies of racial variation, as well as of the distribution of intelligence within communities of one race. This work should be a priority for the European Science Foundation, or for single universities where interdisciplinary work is genuinely promoted. (It needs to be said, incidentally, that such universities appear to be rare.) The President of the Royal Society, Sir Andrew Huxley, observed in 1977 that:

The ethical question is not related to whether one believes that there are hereditary differences in intellectual ability. Rather it is a question of what political action one thinks should be taken, given certain scientific evidence.(29)

Abortion

It seems inevitable that since people have not thought carefully about eugenics, where questions of differentiation in quality are important, there should be conflict over abortion. In the U.S., Senator Jesse Helms and Representative Henry Hyde have proposed legislation defining life as starting at conception. The bill is aimed at outlawing abortions. It has been objected that if enacted the bill would prohibit the intrauterine contraceptive device (IUCD), because it prevents the implantation of fertilized ova. It could also be argued that under such law no surgeon could lawfully operate on a possible malignant group of cells, the hydatidiform mole, which is a benign neoplasm of pregnancy. In fact, medical ethics would suggest that the bill be modified to remove such possible injustice, since withholding an operation on an hydatidiform mole would

(29) Huxley, Sir Andrew, quoted in Dickson, David, 'Keeping pace with science and change' (interview), *Times Higher Education Supplement*, 22.7.77.

endanger the life of the woman concerned; whereas the hydatidiform mole, being just trophoblastic tissue, is not a life.

Another Senator, Orrin Hatch, has proposed a constitutional amendment that would overrule the Supreme Court and allow the States and Congress to make laws on abortion. Legislators in that event could prohibit abortion much as, in the 1920s, an earlier constitutional amendment led to the prohibition of alcohol. The ludicrously miscalled Noble Experiment resulted in the establishment of organized crime as an institution of American society; and one may be sure that a prohibition on abortion would have no less enduring effects. It is notable that anti-abortion feeling in America proceeds from the unscientific and fundamentalist religious groups which constitute the so-called Moral Majority.

Some generalizations may be ventured. First, abortion is not a matter of women's rights in the same way as is equal pay for equal work. Duties as well as rights must be considered in every human quality issue; and obviously so in the case of mother and fertilized ovum, embryo, fetus, or child safely delivered but severely impaired. Further, in regard to abortion, rights and duties include those of the immediate principals (the parents and the ovum), those of the community, including the physician, social worker and next of kin, and those of generations yet unborn.

Second, abortion in the case of certain deformities, in cases such as rape, and in circumstances such as must impose intolerable strains on a mother to the detriment of a child, can be justified. Suggestions have been made that the option of abortion in the case of Thalidomide offspring might have saved serious stress and suffering. However, these tragically damaged persons are not genetically defective and thus likely to pass on a defect; nor are they in any way so severely disabled as hydrocephalics and thus difficult to recognize as equal human beings. The withholding of abortion in cases of non-heritable deformity which carried no risk of mental subnormality, may be conducive to evolution in both the victim of the disability and the society which accepts him. After all, less obvious but heritable disabilities such as haemophilia have produced a set of coping mechanisms in medicine and the wider world.

Third, abortion which can almost be called perfunctory is wrong. The failure to apply contraception, if pregnancy is not desired, is no reason for failing in care further by ending an

innocent and healthy life. Further, some such terminations of pregnancy must, statistically, be of fetuses of above average human quality. In such cases, abortion as a contraceptive is dysgenic. On the other hand, 10 percent of diagnosed pregnancies end in spontaneous miscarriage — natural abortion — and perhaps a third of all pregnancies may abort naturally.

In Britain, the Abortion Act of 1967 makes abortion relatively easy. Under clause 2 concerning the mental health of the mother, a woman has only to plead that she is at risk.⁽³⁰⁾ Neurotic or reactive depression is hardly likely in every case; yet such a reason secures the abortion. Further, neither neurotic nor reactive depression is a medical condition. A physician who considers that a patient does not have just cause can only advise her to seek abortion from the private sector; knowing, however, that there may be many other physicians in the National Health Service who will readily oblige.

Another generalization which should be ventured is that whatever a physician's personal value system, all physicians in the British National Health Service understand that 'If you don't do abortions you don't get jobs.' Most NHS physicians would probably agree to abort for maternal not for fetus factors. Such maternal factors might include: a girl under 16 (the age of consent) or a girl under 25, neither of whom might be in a position to offer a home or financial security to a child, and who might therefore wish to terminate the pregnancy; or the mother who might be 35 with several children and a hus-

(30) Again, D.A.R. Green takes a lawyerly view. 'Strictly all the woman has to do is to ask her doctors for an abortion — she does not have to plead anything. If two registered medical practitioners are of the opinion formed in good faith:

a) that continuing the pregnancy involves risk to her life or risk of injury to her physical or mental health or existing children's, and

b) the risk is greater than it would be if the pregnancy was terminated or

c) that there is a substantial risk that the child if born would be seriously handicapped by physical or mental abnormalities then a registered medical practitioner may terminate the pregnancy without breaking the law against abortion *which otherwise remains in full force and effect as enacted in the Offences against the Person Act 1861*. (emphases in original)

The basic provisions are contained in Section 1 (1) of the Act (not clause 2). Section 1 (2) of the Act says that account may be taken of the woman's actual or foreseeable environment in determining the risks to be assessed — i.e., that social factors may be weighed.

NB The woman has no right to demand an abortion: she cannot compel a medical practitioner to operate, even if two say that abortion is indicated, and while in practice she may not encounter difficulty in this regard, abortion still rests (for the woman) in the realm of privilege rather than indefensible right.' Some might wish to remark that the operative phrase is 'in practice.'

band on a limited income, and for whom the unwanted child might pose the threat of a severely reduced standard of living; or the mother who might have suffered from rheumatic fever and so be at risk of death from heart failure during labor. It is evident that of these three examples only the last presents strictly medical grounds for abortion; though most might be regarded as providing eugenic grounds. Radiation on the maternal organism will cause a malformed fetus; and this usually results in natural abortion.

There are, however, several conditions in the fetus which suggest that it may be better to kill it than to bring it to term. In this question of the quality of fetus life, great discretion lies with the physician and the parents may not be able to reach a decision with courage or clarity unhelped by his advice. Therefore the temptations of power are almost as great as the temptations to be passive, to withhold information and advise; and it cannot be doubted that in some instances mere information on a certain condition without positive advice about the choice of terminating the pregnancy would be inadequate; indeed, unethical in terms of situation ethics.

It can be said that any medical system which permits pre-term abortion for spina bifida, mongolism or heritable diseases should also sanction post-delivery killing (should one call it murder or merciful but directed death?) or the withholding of treatment. Eugenic considerations do apply in the NHS, and certain identifiable conditions in the fetus can give grounds for abortion up to the 28th week of pregnancy. But thereafter, English law regards a fetus as having rights like persons who have been born live.

This principle has recently been reaffirmed in several cases where abortion and euthanasia have been the issue. Most recently, in the unique case of *McKay v Essex Health Authority and Another*,⁽³¹⁾ an infant sued through her uncle and next friend and her mother that she 'had suffered entry into a life in which her injuries are highly debilitating, and (had suffered) distress, loss and damage.' The child was born disabled with rubella (German measles) which infected the mother early in pregnancy. The plaintiffs alleged that the health authority's laboratory was negligent in testing the mother's blood samples, with the result that she was misled as to the advisability of an

(31) *McKay v. Essex Area Health Authority* [1982] 2 W.L.R. 890; [1982] 2 All E.R. 771, C.A.

abortion. Thus, the child had been born handicapped by highly debilitating disease; and her mother was burdened by a child with serious congenital abnormalities.

The presiding judge, Lord Justice Stephenson, however found that the health authority and the laboratory had not failed to exercise their duty of care (which, one must remark, seems a view in direct contradiction to the allegations of the plaintiffs), and that rubella had infected the mother without fault on anybody's part. The judge pointed out that the Abortion Act of 1967 made a notable inroad on the sanctity of human life, but the Act safeguarded the life of a viable fetus (under section 5(1)). The judge agreed that the child could have been deprived of life lawfully through an abortion, but, he added:

Because a doctor could lawfully do to a foetus what he could not lawfully do to a person who had been born, it did not follow that he was under a legal obligation to a foetus to terminate its life, or that the foetus had a legal right to die. To impose such a duty towards the child would make a further inroad on the sanctity of human life which would be contrary to public policy. It would mean regarding the life of a handicapped child as not only less valuable than the life of a normal child, but so much less valuable that it was not worth preserving. (32)

The judge further found that if this were the outcome, a physician would be obliged to pay damages to a child infected with rubella before birth who was in fact born with some trivial abnormality. He found also that the courts would be opened to claims by children born handicapped against the mothers for not having an abortion. Last, he found an even greater objection, which was the difficulty of ascertaining and evaluating the damage and injury for the purpose of requiring the defendants (the health authority and the laboratory) to pay compensation to the child.

This judgment may be questioned for several reasons. First, the judge does not appear to have considered the plaintiffs' view that there was an error committed by the health authority and the laboratory, a failure in their duty of care, and that through their fault the opportunity to abort on good grounds was lost.

(32) Stephenson, J.J. as quoted in *Hospital Doctor*, Vol. C 2, No. 11, 18 March 1982, 'Legal briefing', p. 10.

Second, the judge suggests that a legal right to die is in question. This was not the argument. Although fetus factors were raised by the plaintiffs (the congenital disability of being deaf and blind) what they stressed was the mother's lawful right to an abortion, a right which could not be exercised because of a failure in the duty of care by the health authority.

Third, the judge assumes that public policy is to permit congenital disabilities (and presumably heritable diseases also) to enter the community. The existence of genetic screening and genetic counselling, as well as the ante-natal scanning and other procedures available, makes this interpretation of public policy specious.

Fourth, the judge says that if it were public policy to permit congenital disabilities to enter the community, that must mean that they are no less valuable than the qualities of a normal child and that they are even so much more valuable as to be worth preserving at high cost. Or rather, what the judge says is that if it were not public policy to permit congenital disabilities to enter the community, that would mean that the life of the handicapped child is less valuable than that of the normal child, and that it would be so much less valuable as to be not worth preserving. By analogy with the practice of genetic screening and genetic counselling, this is precisely what the view of the plaintiffs entailed. After all, a child blind and deaf from birth is recognizably at a severe disadvantage and cut off from encounter with people and the environment in a way which makes even a child with but one such disadvantage relatively normal by comparison. Yet the judge also cast doubt on the very idea of normality and health, by saying of the word normal 'whatever that may mean'. It is therefore obvious that the judge could not begin to think in a careful eugenic manner. Yet again, the application of eugenics in one case or even several cases does not mean a general licence to kill; for circumstances alter cases, as the old legal adage says. In the circumstances of the present case it would seem that the foetus' right to life could have been abridged on what are arguably good grounds.

What the judgment shows is, first, the reluctance of the judge to face human quality issues; and some might think that the judge's failure to recognize a fault in the duty of care on the part of the health authority and the laboratory represents a professional or class-oriented concern with fellow professionals

to the detriment of justice for other citizens.

Second, the judge speculates that medicine and law could not cooperate sufficiently to make it very difficult for a trivial abnormality (which he mentions hypothetically but does not specify) to be distinguished from one more serious.

Third, the judge suggests that children could act against mothers as if the mere thought is inhumane when, it is arguable, such legal action might arise only in carefully defined cases.

Fourth, the judge overlooks the fact that there was no necessary difficulty to ascertaining the medical grounds for an abortion in the case except that which resulted from the failure of the health authority and the laboratory: a failure which the judge denied had taken place. The judge also overlooks the fact that there are recognized ways of evaluating damage and injury for the purposes of compensation: some being reached through cases as complicated as that which came before himself.

This judgment epitomizes the problems inherent in the entangled relations of ethics, medicine and law. Yet it resembles an earlier case concerning sterilization where, some might think, the issues were more simple.

The Case of D

In *re D* (a minor), before Mrs. Justice Heilbron (1975),⁽³³⁾ was set in a background which included a speech by Sir Keith Joseph on the general lowering of intelligence through disproportionate breeding by the lower classes.⁽³⁴⁾

The resulting controversy must have colored the assessment of all the professionals concerned in *re D*; much as in January 1982 the trial of Dr. Willi Appel in Munich⁽³⁵⁾ was colored by other factors.

Dr. Appel, aged 47, a gynaecologist, had performed a caesarian section delivery at about 34 weeks, after the child's parents had pressed him to do so, because scans had shown an under-developed head. The baby, a girl, survived for more than an hour; Dr. Appel gave her a lethal injection as 'a release'. The judge sentenced him to 2½ years imprisonment for manslaughter. The judge said that the offense could not be regarded as

(33) *D (A Minor) (Wardship: Sterilisation)*, *In re* [1976] Fam. 185; [1976] 2 W.L.R. 279; 1976 1 All E.R. 326.

(34) See *The Sunday Times*, October 20, 1974 for the original speech in Birmingham; and the issue of October 27, 1974 for some reaction. This was also sharp on the radio and television, and retractions of a kind were broadcast in response.

(35) *The Times*, January 30, 1982.

euthanasia but as 'the extermination of a life deemed to be unworthy of living.' The judge said that the mentally handicapped should not be treated differently at birth simply because they looked different. However, the prosecution demand that Dr. Appel should be barred from practising for life was rejected; and his assistant, Dr. Eva-Maria Klotz, aged 29, who admitted filling the syringe, was given a 1½ year suspended sentence on the same charge of manslaughter. She was also ordered to pay a fine of DM 3,600 to a local children's home.

The case in re D concerned a Sheffield girl, born in 1963, with Sotos Syndrome. Some or all of the following signs and symptoms for this are: 'accelerated growth during infancy, epilepsy, generalized clumsiness, an unusual facial appearance, behavior problems including emotional instability, certain aggressive tendencies, some impairment of mental function which could result in dull intelligence or possibly more serious mental retardation.'

The case was brought by Mrs. Margaret Ann Hamidi, an educational psychologist, who by the time of the trial had become Mrs. Margaret Dubberley. Mrs. Hamidi (so described throughout the trial) opposed D's mother, Mrs. B. The Official Solicitor was represented as guardian ad litem. The wardship proceedings came to the Family Division of the High Court because Mrs. Hamidi was opposed to the sterilization of D. Mrs. B. had agreed with a consultant paediatrician, Dr. R. Gordon — who had always looked after the child — that D should be sterilized; a female gynaecologist, a Miss Duncan, had agreed to perform the operation, hysterectomy.

Mrs. Hamidi was supported by the former and present headmasters of D's special school and the social worker who was attached to D's family. Their perception of the matter was governed by concern with D's rights; whereas the perception of D's mother, Dr. Gordon and Miss Duncan was governed by concern with the adverse effect those rights (to marry and to conceive) might have in increasing society's duties towards D, or any child to be born to her in due course.

Dr. Gordon believed that his reasons in point of the social implications and D's behavior were right and that the operation would be timely. D, then 11, had reached puberty at 10. Dr. Gordon refused to defer the operation. Mrs. Hamidi took legal action; the Official Solicitor was appointed guardian ad litem.

The chief argument against the mother, Mrs. B, was that the proposed operation would deprive D of a basic human right, reproduction, and that sterilization could not be regarded as therapeutic (as it would be if it were hysterectomy to check cancer). The judge found that any consultation which had taken place between D, Mrs. B and Dr. Gordon could not result in informed consent.

The social circumstances were that Mrs. B, aged 51 and a widow, was a part-time cleaner, who had brought up D and her two sisters in the utmost difficulty. Mrs. B and her late husband had agreed to apply for D to be sterilized when she became 18. The house had two bedrooms; D slept in her mother's bed; there was no outside bathroom or lavatory. It does not appear that any questions were raised about this degree of privation or the actions, if any, of Mrs. Hamidi and her colleagues to find better housing for the family.

The medical and psychological evidence was contentious. D's psychiatrist, Dr. T, was not consulted by Dr. Gordon about the proposed hysterectomy. Dr. T believed that Mrs. B overprotected D because she had an exaggerated idea of D's difficulties. Mrs. Hamidi and D's present headmaster, Mr. Y, asserted that her clumsiness had lessened and that she was not a severe management problem. From their evidence it appeared that D had an IQ of about 80 — dull normal intelligence. One consultant paediatrician (Dr. Snodgrass) held that her clumsiness was likely to lessen and her behavior to continue to improve. It does not appear how often he had observed D or how well he knew her out of school.

Dr. Gordon thought that her behavior had deteriorated and that she would always be unable to look after herself or any children she might have. Mr. Y maintained that it was unrealistic to be dogmatic about D's future chances of employment, whether or not she would be capable of looking after a family, or her future role in society. The effect of the other medical evidence also supported Mr. Y's views on this aspect of D's future and the judge said it would be premature to make such predictions in the case of this 11 year old girl' The use of the words unrealistic, dogmatic and predictions seems a trifle hyperbolic.

Dr. Gordon believed that there was a real risk that D might give birth to an abnormal fetus. Two other consultants, a paediatrician (Dr. Snodgrass) and a psychiatrist (Dr. Newton),

confirmed that this risk existed; but pointed out that 'no one with this particular syndrome had ever been known to have a baby, and it is not therefore possible to make any precise predictions whether or not they are able to do so.'

Dr. Gordon held that D could not manage any form of contraception. Mrs. B feared lest D be seduced and become pregnant. She too was opposed to all forms of contraception. Miss Duncan would have advised one method before sterilization, if Mrs. B had not been opposed. Prof. Huntingford (consultant and professor of obstetrics and gynaecology at the University of London and at St. Bartholomew's and the London Hospital Medical Colleges) held that there were two methods 'either one of which could be safely and satisfactorily used.'

There was no sign of interest as yet from D in the opposite sex and her mother never left her side; D was never allowed out alone. The consultants Huntingford, Snodgrass and Newton argued against sterilization stating that they had never heard of a child of 11 being sterilized; no one had ever been sterilized for epilepsy; the operation was (Huntingford) 'only appropriate for a woman who consented to it, possibly at the conclusion of child-bearing, and then only after careful and anxious consideration by her and her husband of many factors and, what is most important, with full knowledge of all its implications.' Again, one finds a trace of hyperbole in this opinion. Dr. Snodgrass 'was firmly of the view that it was wrong to perform this operation on an 11 year old, on the pretext that it would benefit her in the future.'

The word pretext should be noted; also that all these views tend to minimize the complex of disabilities which D presented; nor do they take into account the circumstances of poverty and an aging mother. It does not appear that any of the three consultants was asked about the chances of employment for D; about the prospects for her care if her mother died; or about the suitability of maternal versus institutional care. Further, such questions could have been asked only with an appreciation of the fact that the mother wished to reduce her burden of anxiety by eliminating an admitted risk; and also presumably eliminating the problems posed by D's menstrual periods, which can hardly be as manageable as they are for women without her disabilities. For all these matters, only a mother or alternatively a full-time institutional surrogate could be responsible. These matters are not perhaps best assessed by consultants

detached from the daily life of the principals, D and Mrs. B and her other two children.

It was common ground that D had sufficient intellectual capacity to marry. This implies in English law assent to conception of children. Dr. Gordon agreed that D had the intellectual capacity and that if she did marry she and her husband would be the persons most concerned in any question of sterilization, and that such an operation might have 'a serious and material bearing on a future marriage and its consequences.' But did the judge, the three consultants, Mrs. Hamidi, the social worker, the two headmasters, and the psychiatrist Dr. T inquire what D's chances were of securing a husband with an IQ of *over* 80? And if they did not, did they consider whether it would be possible for any child of D's to escape from the poverty (however it might be mitigated by the State) in which she now lived? Was it reasonable in this context to insist on D's basic human right of reproduction? Were Mrs. Hamidi's motives free of political interest? Was she not concerned to make a point about individual responsibility, social responsibility, and duty in general?

Dr. Snodgrass held that D was 'only one of at least a hundred thousand people of a similar degree of dull normal intelligence. If it ever became necessary he would, he said, be prepared to recommend abortion, not sterilization.

The judge pointed out that Dr. Gordon's clinical judgment included medical and social considerations; she did not describe the views of his critics in the same manner. Nor did she refer to the privileged relationship of trust between a physician and his patient: one which no other physician, including Dr. T, had with D. (36)

(36) One might have expected counsel for D's Mother to have introduced a pertinent American reference. In English law, persuasive authority may be attributed to American decisions. Cf. Hood Phillips, O., *A First Book of English Law* (London, Sweet & Maxwell, 1970), p. 193. Shockley, *op. cit.*, p. 101, provides grounds for sterilization, as follows:

'To a limited degree, some understanding of the importance of human genetics has arisen in respect to sterilization laws for mental defectives. In a Supreme Court decision, Oliver Wendell Holmes presented a thoughtful appraisal of the difficulties in a majority opinion upholding the statutes for the sterilization of feeble-minded persons in the State of Virginia. Justice Holmes' opinion read, in part:

"... that Carrie Buck is the probable potential parent of socially inadequate offspring likewise afflicted; that she may be sexually sterilized without detriment to her general health; and that her welfare and that of society will be promoted by her sterilization... We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if we could not call upon those

It is notable that *The Times*, September 18, 1975 praised Mrs. Justice Heilbron's decision to refuse permission for sterilization as 'a wise and compassionate decision'; but showed so little understanding of the matter to say:

It is possible to conceive of circumstances where such an operation would be indicated. One such example might be where the young girl was herself severely and permanently sub-normal, and there was a proven high probability that any child she might bear would be very seriously physically deformed or mentally incapacitated. But few cases

who already sap the strength of the State for these lesser sacrifices often not felt by those concerned, in order to prevent our being swamped with incompetents. It is better for all the world if instead of waiting to execute degenerate offspring for crime, or let them starve for their imbecility, society could prevent those who are manifestly unfit from continuing their kind . . . Three generations of imbeciles are enough."

The crux of the decision is not removed by noting that the circumstances in D's case are different. The principle at issue is the duty of the individual to society rather than the unfettered right of the individual regardless of society. Or, in other words, here not 'I' but 'my neighbor' is to be preferred. It may be noted that Shockley continues:

This furnishes an instance of an attempt to set up laws which will contribute toward replacing the cruel natural mechanisms of extinction for the least fit as the means of continuing evolution. Although laws for sterilization of mental defectives are on the books of many states, they are of questionable effectiveness. Furthermore, the majority of cases of mental retardation are not of genetic origin so that the genetic aspects are not relevant. Changes in California legislation and an institutional medical policy during 1951 brought about a sharp decrease in the number of sterilizations performed in the state hospitals for mentally retarded. As a result, participation has dropped from between 200 and 300 per year to a mere handful. To me one of the most serious aspects of all this is that public interest and awareness in these problems is generally nearly negligible. At least one outstandingly competent and humanitarian physician friend of mine was unaware of the changes in California although his early medical experience had put him in first hand contact with the problems. Mayr's proposals of changing laws to favor large families of superior people represents another possible interaction between legislation and man's genetic future.

'Lack of a national attitude supporting the objective, fact finding approach in the field of human genetics is furnished by reports from government sources. Although census bureau studies have shown poverty and lack of education are passed on from generation to generation within families, research on genetic versus environmental aspects is apparently lacking.

'Secretary of Labor Wirtz is quoted as saying, "There is a strong indication that a disproportionate number of unemployed come from large families, but we don't pursue evidence that would permit establishing this as a fact or evaluating its significance."

Shockley adds in a footnote that 'In reply to an inquiry of mine Secretary Wirtz wrote that he hoped this statement would encourage someone "to go ferret out the facts". I know of no reason to believe this is now being done.'

would be so clear-cut.(37)

The National Council for Civil Liberties added to the irony by proposing that a Children's Ombudsman be appointed.(38)

In a program in the *Controversy* series (BBC TV),(39) televised after the case, two mothers of children with Down's Syndrome (mongolism) pleaded for sterilization of their daughters. The first had a girl who is able to travel on public transport in London and liked dancing. The mother wanted the girl, who was about 18, to be sterilized because in contemporary London she was vulnerable. The second mother, then 60, had a daughter of 30 whom, years before, she had tried many times to have sterilized. No doctor would agree to perform the operation. The mother said that the daughter worked in secure conditions but of course heard other girls talk of the seamy side of life. The daughter was disturbed by this. The mother wondered who would look after her daughter when she died, for she had no relatives. Each mother wanted to look after her child, for whom each wanted as natural a life as possible. Yet unless sterilization were performed, each child would remain vulnerable; the risk of conception being avoided only by methods of contraception which were either difficult to apply or morally dubious. Neither mother wished her child to become a responsi-

(37) Whoever wrote these sentences must have been inattentive to the words exchanged in court and uttered before the trial; for circumstances of which the writer could conceive were alleged to have been present; and precisely that example which he mentions was said to be the case. A similar strangeness of view occurs in the front-page article of the same date: "The Judge paid tribute in court to the "courage, persistence and humane concern" of Mrs. Margaret Dubberley (referred to in court as Mrs. Hamidi), the educational psychologist, and her colleagues, who brought the application in an attempt to halt the operation. Mr. William Nash, legal officer of the National Council for Civil Liberties, who was acting for Mrs. Dubberley, said: "There is a clear gap in the law, which must be filled.'" It is hard to tell whether this reporter meant to cast doubt on Mrs. Hamidi's motives. The article showed no criticism of Mr. Nash's statement, or of the introduction of the Official Solicitor.

(38) BBC television news, interview with Mr. W.A. Nash, same day (September 17, 1975).

(39) One may speculate whether the heat of the evening on which this program was filmed, and the lighting of the lecture theatre at the Royal Institution, made Sir George Porter remove his jacket shortly after he took the chair. Both circumstances were probably as cogent as his anxiety to be just and to maintain his detachment, for Sir George is President of the National Association for Gifted Children. An article of his suggests sympathy with Shockley: 'Science and the quest for human purpose', printed as the religious article, *The Times* (Saturday), June 21, 1975. This ends with a naturalistic quotation from Tolstoy — 'The highest wisdom has but one science, the science of the whole, the science explaining the Creation and man's place in it'; but such humanism was no bar to Sir George's election in 1974 as a Member of the Pontifical Academy of Science, Vatican City State.

bility of institutions; of which presumably the mothers disapproved.

One member of the audience, a physician, presented a similar case. He spoke of a mentally backward, physically precocious girl whose parents had wanted her to be sterilized. He had agreed, but the operation was cancelled. In due course, she conceived, and an abortion had to be performed. The girl had seen others grow up and knew that when they married they produced babies. She had wanted a baby of her own; but she had been unable to look after a puppy of her own. Her possessive expressions of her natural desire had been taken more seriously than the fact that she was abnormal.

Euthanasia

The question of euthanasia is also a question of life quality. In February 1624, John Chamberlain hinted at the issue when he mentioned the death of his brother in a letter to the ambassador to the Hague:

. . . his great age of 76 and many infirmities made his losse the less lamented, beeing deprived of his sight, and in a manner of his hearing, feeling, taste, and all other senses save smelling, which with his memorie continued perfect to the last gaspe: so that his life was not of late time *vita vitalis*, and a man might verifie in him *Non est vivere sed valere vita*.(40)

This epitomizes the problem of an aging population (which is what Western European countries all have); and the question of life quality is already presented in Britain in the convention that NHS patients over 55 are not to be resuscitated; that is, no extraordinary means of treatment are to be used for the old. It is notable that in the absence of the belief in the soul, the afterlife, and the idea of guilt to be expiated if incurred for sins of omission or commission, that life quality questions have lost something which strongly supported the idea of the sanctity of life. For, lacking such things, the uniqueness of life seems less than a cause for awe and worship. But the life quality of a geriatric cannot be assessed in relation only to the medical resources available to treat him or prolong his life. The quality of life must be seen to have relevance, and his right to merci-

(40) McClure, N.E., ed., *The Letters of John Chamberlain*, Vol. II, *Memoirs XII*, Part II (Philadelphia, American Philosophical Society, 1939), Letter 447, London, February 21, 1624, pp. 554-541.

ful release from pain should be admitted in some circumstances.

English law has long recognized that a valid will can be drawn by a testator at the point of death. It is now time to consider whether euthanasia may not be permitted in cases where the patient is in great pain and the chances of recovery are nil. Where the patient is *compos mentis* it is arguable that he has a right to choose an easy death, subject to the confirmation of his intention before impartial witnesses and subject to that intention's free expression.

There is another class of euthanasia possible also, one which is to common knowledge already distinguished, viz where brain death has occurred and the life support mechanism can no longer be warranted. This seems to be an anomaly because in one sense it is something which merely confirms the fact of death. There is life in the body to the extent that independent of the death of the brain, organs perform their functions; but it seems to be an impersonal life, like that of the fertilized ovum, which can be abridged without anything more than the consent of the next of kin or the physician responsible.

Yet another class of euthanasia is that of a newborn or young infant, who cannot exercise powers of choice but whose prospects of improvement in health are also nil. In the case of *Regina v Arthur* in Britain in November 1981,⁽⁴¹⁾ the ambiguity of the law was manifest yet again. Dr. Leonard Arthur, a paediatrician in Derby, was originally tried for murder, then for attempted murder. The court had to determine whether he had done something positive to kill a baby boy or not. The child had been rejected by its parents for an apparently uncomplicated case of mongolism. It was later found, however, that other disabilities would have prevented the child from living long; indeed, the Home Office pathologist on further examination had to reverse his original opinion of the boy's life chances.

Dr. Arthur had placed the boy on a regime of non-intervention. Additionally, the paediatrician gave the child a very large dose of opiates to relieve distress. This could be described as the withholding of food and medical care, except for sedation to abate hunger pangs and nursing observation. Dr. Arthur was found not guilty of attempted murder.

As *The Times* remarked, every live born baby is entitled to

(41) The case has not been reported in the Land Reports; but *The Times* during October and November 1981 reported the trial in some detail.

receive 'all available life support, save only in those grave and exceptional cases where he lacks irremediably the capacity to live a recognizably human life. That proposition did not figure prominently in reports of the trial.' (42) In addressing the jury before they retired to consider their verdict, the judge (Mr. Justice Farquarson) rather emphasized the following points:

That the physician's motives, however kind, had to be distinguished from his intention;

that medical ethics could not survive if in conflict with the law;

that it was a question whether the physician took steps to bring about the death of the child with the intention that he should die;

and if he had taken such steps, it was a question also whether the steps amounted to murder. (43)

There are other serious questions, most of which have been raised in letters to the editor of *The Times*.

Why did Dr. Arthur, who had often struggled to save seriously damaged infants, (44) conclude that parental rejection and relatively ordinary defects in the case of this baby should call for a regime of non-intervention?

Why was the main consideration the fact of parental rejection? (45)

Can the withholding of food and medical care in this case have been intended to do anything but result in death? If not, what was the objective? (46)

If 16 percent of babies born with Down's Syndrome are allowed to die, allegedly for clinical reason, could this figure remain if unlimited resources were available? (47)

Is there much agreement in society that a 'fruitless' life is worse than no life at all, and if so is society content to leave the definition of 'fruitless' to individuals? (48)

(42) *The Times*, first leading article, November 6, 1981.

(43) *The Times*, November 5, 1981.

(44) Remarks of a former colleague, Dr. Bernard Laurance, a retired paediatrician, *The Times*, November 6, 1981; who also pointed out that 'Of course age alters attitudes, particularly those towards the terrible burden placed on the parents of such children.' Dr. Arthur was born in 1926; the infant died after 69 hours of life, July 1, 1980.

(45) Robert Heller, letter, *The Times*, November 11, 1981.

(46) John Foster, letter, *The Times*, November 11, 1981.

(47) John Gretton and Anthony Harrison, editors, Public Money, letter, *The Times*, November 9, 1981.

(48) Prof. J.K. Mason, Professor of Forensic Medicine, University of Edinburgh Medical School, letter *The Times*, November 7, 1981.

Does 'the logic of abortion lead to the infanticide of the handicapped'? If so, can arbitrary killing be reasonably feared to be a consequence in other cases of illness etc.?(49)

Can it be argued that this fear is reasonable only if babies are seen not as the 'property' of parents but as the property of the state?(50) Can present political and economic realities not support this fear?

Is it immoral to 'impose life' by artificial means where by a natural course of events death would have supervened?(51)

What would have happened if the court had been told that in an overpopulated world with scarce resources (even in the United Kingdom) there were grounds to support a policy of euthanasia for defective new born infants?

Did the sample of public opinion which supported the decision to acquit Dr. Arthur have this last point in mind? Or were they relying more on a view that in so complicated a case, an admittedly kind physician should be trusted? Or were they relying on a view that he should be forgiven for a course of action about which they had mixed feelings at best?(52)

To these questions there are no unambiguous answers. But it may be ventured that they are all more important than the simple reaction from the medical profession, which was that the trial had called in doubt the relation of trust between patient and physician, a privileged relation.(53) It is to the great credit of *The Times* that in one way or another all these questions have been posed in its pages, mostly in letters. It is a consolation to those who feel that civilization is threatened that individual persons dare to think aloud in such matters. But one correspondent feared lest in the absence of clear legal view on the correctness of 'letting die', the case of *R v Arthur* may have to be repeated;(54) and as Ian Kennedy had indicated,(55) an advisory committee is needed to produce ethical guidelines

(49) Rev. N.M. de S. Cameron, letter, *The Times*, November 9, 1981.

(50) Roger Gray, QC, letter, *The Times*, November 11, 1981.

(51) Prof. P.A. Jewell, Mary Marshall & Arthur Walton Professor of Physiology and Reproduction, Physiological Laboratory, Cambridge, letter, *The Times*, January 1, 1982.

(52) Cf. Annabel Ferriman, Health Services correspondent, 'Doctors must fight to keep handicapped babies alive, says 46% in poll', *The Times*, November 10, 1981: both re Panorama (BBC television), November 9, 1981 and its commissioning of a MORI poll on the affair.

(53) *The Times*, November 6, 1981.

(54) Reference 48.

(55) Ian Kennedy, Faculty of Laws, University of London King's College, letter, *The Times*, February 11, 1982.

and suggest changes in the law, as Australia and Canada have done. One might add that as the United Kingdom adheres to the Treaty of Rome, such a committee should work with parallel committees in the other member states of the EEC, for the purpose of achieving a common legal mind on the common problems of the new biology, medicine, and ethics.

Such a committee would do well to make its views understandable by the use of plain English. The current language of medicine needs frequent translation; for example, 'regime of non-intervention', 'nursing care only', 'not to be resuscitated', 'therapeutic abortion', 'extraordinary means'. Such terms give scope to secrecy and arbitrary action which does not accord with ethics and cannot serve the interest of public policy, because fundamental meanings are not made plain.

Conclusions

Although intractable, these matters must yield to human minds because they reflect problems caused by human acts. The law in England, however, will not become eugenic unless policy be framed with more eugenic considerations. Mrs. Justice Heilbron's defence of the child D's right to found a family rests on the law's view that marriage depends on having the mental capacity to consent to marriage, and if so, then to the conception of a child.

Since law is made by the Queen in parliament, the ideas about human life, personality and so on are the crucial elements. It is not yet fully understood by the general public that the world problematic — the multi-problems of man's relations with his environmental resources — are the bounding conditions of his survival. Nor do many in politics act as if they understood this. Yet there can be no freedom in an overpopulated world — or, not much freedom in any part of such a world — and human dignity and human quality will not be secured by fear of establishing what they may now be.(56) The need to decide on norms has never been greater; but the *values* are not all clear, and the problems seem to change with the advance of science. Merely to see this is, however, to begin to identify questions and thus to seek answers.

The antecedents to the current abortion law are instruc-

(56) Cf. Afriat, S.N., "People and population", *World Politics*, Vol. XVII, April 1965, No. 3, 431-439.

tive.⁽⁵⁷⁾ In the laws of Alfred the Great, a period of evident civilization, to cause the loss of a foetus only required compensation in accordance with the rank of the mother and father of the child. In the laws of Henry I, women who had illicit intercourse and destroyed their unborn children and those who helped them to expel the child from the womb, instead of being excommunicated for life had to do penance for 10 years. If a woman deliberately expelled a foetus within 40 days (i.e., before quickening), she must do penance for 4 years. If the foetus had already quickened (i.e., become human life with rights) she must do penance for seven years because the expulsion amounted to homicide. Is contemporary law more just?

By the late 19th century abortion had become a felony in the Offences Against the Person Act 1861, which spoke of unlawful killing. In 1938, Alick Bourne, a gynaecologist, chose to make himself a martyr by aborting a girl of 14 who had been raped. The court, drawing firstly on the Infant Life (Preservation) Act 1929, and particularly the proviso about acts done in good faith for the preservation of the life of the mother concluded that the law had changed since the 1861 Act was enacted; and the court interpreted from the word 'unlawfully' in the 1861 Act the fact that the Act had therefore contemplated a 'lawful' abortion, which thus led to the acquittal of Dr. Bourne.

Prospects and Purposes

In 1963, Sir Julian Huxley emphasized the question of health and the course of evolution with a concern for posterity which, I suggest, must be central to the whole debate.

It is clear that the general quality of the world's population is not very high, is beginning to deteriorate, and should and could be improved. It is deteriorating, thanks to genetic defectives, who would otherwise have died, being kept alive, and thanks to the crop of new mutations due to fall out. In modern man the direction of evolution has started to change its sign from positive to negative, from advance to retreat: we must manage to put it back

(57) Cf. Dickens, Bernard M., *Abortion and the Law*, (Bristol, MacGibbon & Kee, 1966).

on its age-old course of positive improvement.(58)

Although there are definitions of health and standards for nutrition, growth and development, even in the rich North there are affluence-linked diseases, diseases of Western civilization, as Burkett(59) has amply shown; and as L'Etang(60) has shown, the health of leaders, including those with supreme power, is often inadequate to the burdens of office. Further, the effects of radiation especially and the prospect of nuclear war hang over all questions of health and life quality. The progress in social medicine which has entailed eugenic applications of science to preventing disease and biological degeneration is a small sign for good. But the total equation is uncertain because synergistic environmental effects on human life are not completely understood; they must be presumed to be pervasive and to be incompletely countered by man.

It is probable that these linked circumstances cause people to lose any concern they may have with either Darwinian or Lamarckian ideas of evolution. If true, this is most dangerous; for then mere force will supervene. While Physicians for Social Responsibility in the U.S. campaign for a nuclear freeze, it is not evident that other physicians with similarly broad concerns are campaigning for better preventive medicine. Nor is it evident that eugenics, abortion and euthanasia are considered by many in light of the questions which I have sought to present above,

In the developing (or regressing) country of Britain, there is little interest in health seen holistically; no one comments in the same breath on the facts of poor quality school meals, high sugar levels in the average diet, the stress caused by inefficient nationalized industries, and the fact that there is only one chair of genito-urinary medicine in the entire country. But these matters are as relevant to seeing life quality as a personal issue as are the facts that pre-natal mortality in Britain is high and obstetrics and gynaecology too often give women the impression that they are designed for the personal advancement of the physicians only.

This picture may be generalized to other industrial countries; and generalizations of a similar kind can be made of industrial-

(58) Huxley, Sir Julian, 'The future of man — evolutionary aspects' in Wolstenholme, G., ed., *Man and his Future* (Boston, Massachusetts, Little, Brown & Co., 1963), p. 17.

(59) Trowell, H.C. and Burkitt, D.P., eds., *Western Diseases: their emergence and prevention* (London, Edward Arnold, 1981).

(60) L'Etang, Hugh, *Fit to Lead?* (London, Heinemann, 1980).

izing countries in the Third World. To this extent, alarm about the downward trend of human quality is amply justified. Effective counter-measures depend on a complicated set of insights being accepted with decisive action in result. Probably this will not follow without severe shocks as through social devastation by mass illness or the effects of war, or the increase of formerly controlled disease as human resistance breaks down in significant groups; for example, the very young or those in middle life. This is a strangely hopeful prospect as the world, on the whole, is increasingly a young mass society; though Western countries show a profile of steady aging in their populations.

Although genetic engineering (recombinant DNA) has been rejected as a means to conquer disease with a genetic basis, it takes little imagination to realize that the conquest can be attempted with other means of which the effects may be less risky, since they may be more controllable in the long term. Yet human powers to conquer illness, as evidenced by the present rise in VD, are not always well exercised.

An Ecological Ethic

Cultural values, including religion, must be re-interpreted in an ecological sense, so that the hope inherent in the fact of the inevitability of life may prevail over the determinism which seems to reduce every biology to mere physics and chemistry.

The questions of quality remain paramount. In the Netherlands, the usual procedure for abortion is what is also held to be the safest, viz the dilation of the cervix and evacuation of the contents of the uterus by a process which crushes up the fetus, with a bone crusher, and drags it out. This procedure is performed up to the 28th week. It can be described, as can other procedures in abortion and contraception, as unaesthetic. But beauty, especially self-pleasing beauty, is not the main point; and questions of motive and intention must distinguish man's search to apply values in the changed context of his overpopulated environment. It is still the context for human life. Our world is still our responsibility; we are the stewards for life. It may be that this notion of life will redeem our times.

I conclude by quoting what I think is one of the best opinions on the matter of human quality questions, that of Teilhard de Chardin;(61) written in 1938, published for the first time

(61) Teilhard de Chardin, P., *The Phenomenon of Man* (London, Fontana, 1965; first published in 1955) pp. ~~310-311~~.

J.W. H. Hagen + J. H. 1959

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in 1955; born out of time, perhaps even for the sake of frozen ova.

So far we have certainly allowed our race to develop at random, and we have given too little thought to the question of what medical and moral factors *must replace the crude forces of natural selection* should we suppress them. In the course of the coming centuries it is indispensable that a nobly human form of eugenics, on a standard worthy of our personalities, should be discovered and developed.

INTELLIGENCE AND NATIONAL ACHIEVEMENT

Editor
Raymond B. Cattell

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MANDATED SCHOOL BUSING AND STUDENT LEARNING: ACHIEVEMENT PROFILES OF THIRD, FIFTH AND TENTH GRADE BLACK AND WHITE STUDENTS

RALPH SCOTT

University of Northern Iowa

U.S. legislation mandating sweeping and costly measures designed to ensure racial integration in school classrooms, was originally based on unproven academic hypotheses that the wide gap between white and black pupils in scholastic achievement tests would be reduced if blacks were to study alongside whites in classrooms. After a generation of racially integrated education, U.S. schools still reveal dramatic gaps in SAT scores between whites and blacks, indicating that the reason for the marked disparity in educational achievement that persists between the members of disparate ethnic groups has not been modified by the legally enforced integration of classrooms.

For more than three decades, educators and the courts have generally assumed that black students would more effectively learn under desegregated circumstances, and that the racial gap would decline in response to racial balancing of the public schools. Such assumptions were endorsed by social scientists throughout proceedings of *Brown*, the landmark Supreme Court desegregation case of the 1950s and in subsequent litigation.(1) In *Hobson vs Hanson* (1967), and in response to persuasive expert opinion, Judge J. Skelly Wright stated "Racially and socially homogeneous schools damage the minds and spirits of all children. The scholastic achievement of the disadvantaged child, Negro and white, is strongly related to the racial and socioeconomic composition of the student body. A racially and socially integrated school environment increase the scholastic achievement of the disadvantaged child of whatever race..."(2) In *Milliken*, experts on both sides agreed that racial balancing would promote minority learning.(3) Judge James McMillan, in his 1969 ruling concerning the schools of Charlotte-Mecklenburg County, North Carolina, expressed surprise that a black-white achievement gap existed. Further, he referred to the uncontradicted testimony of the experts and administrators who all agreed that (racial balance) produced a dramatic improve-

(1) *Brown vs. Board of Education*, 347 U.S. 483 (1953-54).

(2) *Hobson vs. Hansen*, 169 F. Supp. 401 (1967) at 406-07.

(3) Wolf, Eleanor P. Courtrooms and Classrooms. In Rist, Ray C. and Anson, Ronald J. (Eds.) *Education, Social Science and the Judicial Process*. New York: Teacher's College Press, 1977, p. 101.

Table 1

Third Grade Students' Grade Equivalency Scores, Means and Standard Deviations:
by Sex, Race, and Sex X Race

	All Ss (N107)	Sex	
		M (N48)	F (N59)
R-VOC	4.0 1.3	3.8 1.4	4.2 1.2
R-CN	4.2 1.4	3.9 1.4	4.4 1.3
R-TL	4.2 1.6	4.0 1.7	4.5 1.4
Spelling	5.6 2.7	4.9 2.5	6.2 2.7
L-MC	5.4 2.0	4.7 2.0	6.0 1.8
L-EX	4.3 1.8	3.6 1.5	4.8 1.9
L-Total	5.1 2.0	4.2 1.7	5.7 2.0
M-CM	4.3 0.7	4.1 0.8	4.4 0.7
M-CN	4.0 1.1	3.7 1.2	4.2 1.0
M-Total	4.1 0.9	3.9 0.9	4.3 0.8
Total Battery	4.3 1.2	3.9 1.2	4.6 1.1

Race		White - Black Male		White - Black Female	
W (N67)	B (N40)	WM (N28)	BM (N20)	WF (N39)	BF (N20)
4.5 1.4	3.3 1.2	4.3 1.2	3.1 1.2	4.6 1.1	3.4 0.9
4.7 1.3	3.3 0.9	4.3 1.4	3.2 1.1	4.9 1.2	3.4 0.8
4.9 1.5	3.3 1.1	4.6 1.7	3.1 1.2	5.1 1.3	3.5 0.9
6.1 2.7	4.8 2.4	5.2 2.4	4.6 2.6	6.7 2.7	5.0 2.1
5.8 1.9	4.9 2.0	5.0 1.9	4.3 2.0	6.3 1.7	5.4 1.8
4.8 1.9	3.5 1.3	4.1 1.6	2.9 1.1	5.2 1.9	4.0 1.3
5.6 2.0	4.0 2.7	4.7 1.8	3.6 1.5	6.2 2.0	4.8 1.7
4.4 0.7	4.0 0.7	4.2 0.8	3.9 0.7	4.5 0.7	4.1 0.6
4.3 1.1	3.4 1.0	4.0 1.2	3.3 1.0	4.5 0.9	3.6 0.8
4.4 0.9	3.8 0.8	4.1 1.0	3.6 0.8	4.5 0.7	3.9 0.7
4.7 1.2	3.7 1.0	4.3 1.3	3.4 1.0	5.0 1.1	3.9 0.9

Table 2

Fifth Grade Students' Grade Equivalency Scores, Means and Standard Deviations:
by Sex, Race, and Sex X Race

	All Ss (N111)	Sex	
		M (N49)	F (N62)
R-VOC	6.2 1.7	6.1 1.8	6.2 1.6
R-CN	6.7 2.3	6.5 2.1	6.9 2.4
R-TL	6.4 1.8	6.2 1.7	6.5 2.0
Spelling	7.4 3.0	7.5 3.1	7.3 2.9
L-MC	8.1 2.8	7.6 2.6	8.6 2.9
L-EX	7.0 2.6	6.7 2.7	7.3 2.5
L-TL	7.5 2.5	7.1 2.5	7.8 2.5
M-CN	6.5 1.3	6.2 1.2	6.6 1.3
M-CN	6.1 1.4	6.1 1.5	6.0 1.3
M-Total	6.2 1.2	6.2 1.1	6.3 1.2
Total Battery	6.4 1.4	6.2 1.3	6.5 1.5

Race		White - Black Male		White - Black Female	
W (N63)	B (N48)	WM (N30)	BM (N19)	WF (N32)	BF (N30)
6.6 1.6	5.6 1.7	6.6 1.8	5.4 1.6	6.6 1.4	5.8 1.9
7.3 2.1	6.1 2.3	7.0 2.0	5.7 2.1	7.5 2.2	6.3 2.4
6.9 1.6	5.9 2.0	6.7 1.6	5.5 1.6	7.1 1.7	6.1 2.2
7.6 2.8	7.2 3.2	7.4 3.0	7.8 3.3	7.8 2.6	6.8 3.1
8.7 2.5	7.4 3.0	7.8 2.2	7.3 3.2	9.5 2.5	7.4 2.9
7.8 2.7	6.0 2.2	7.5 2.9	5.4 1.9	8.1 2.4	6.3 2.3
8.2 2.4	6.5 2.4	7.6 2.5	6.2 2.4	8.7 2.2	6.7 2.5
6.6 1.3	6.3 1.2	6.1 1.1	6.4 1.3	7.1 1.2	6.1 1.2
6.5 1.3	5.5 1.3	6.3 1.5	5.8 1.7	6.6 1.2	5.3 1.1
6.5 1.1	5.9 1.2	6.2 0.9	6.1 1.4	6.8 1.1	5.7 1.0
6.7 1.3	5.9 1.4	6.3 1.1	6.0 1.5	7.1 1.4	5.9 1.4

Table 3

Tenth Grade Students' Grade Equivalency Scores, Means and Standard Deviations:
by Sex, Race, and Sex X Race

	All Ss (N609)	Sex	
		M (N296)	F (N313)
R-VOC	10.1 2.5	9.9 2.6	10.3 2.5
R-CN	10.3 2.7	10.2 2.8	10.5 2.6
R-TL	10.3 2.5	10.9 2.5	10.5 2.4
Spelling	10.3 2.8	9.6 2.9	10.9 2.4
L-MC	10.4 2.9	9.9 3.2	10.9 2.6
L-EX	10.7 2.7	10.3 2.9	11.0 2.4
L-TL	10.7 2.6	10.3 2.9	11.1 2.3
M-CM	11.0 1.9	10.8 2.1	11.2 1.8
M-CN	10.6 2.3	10.5 2.4	10.7 2.1
M-TL	10.8 2.0	10.6 2.1	10.9 1.8
Total Battery	10.5 2.3	10.2 2.4	10.7 2.1

Race		White - Black Male		White - Black Female	
W (N361)	B (N248)	WM (N171)	BM (N125)	WF (N190)	BF (N123)
11.0 2.1	8.7 2.5	10.8 2.3	8.7 2.5	11.2 1.8	8.8 2.6
11.3 2.2	9.0 2.7	11.0 2.5	9.0 2.7	11.4 2.0	9.0 2.7
11.2 2.0	8.9 2.5	11.0 2.2	8.9 2.4	11.4 1.8	9.0 2.5
10.6 2.5	9.8 3.0	10.0 2.8	9.1 3.0	11.2 2.0	10.5 2.8
11.5 2.3	8.9 3.0	11.0 2.6	8.4 3.3	12.0 1.9	9.4 2.7
11.5 2.2	9.5 2.9	11.1 2.6	9.3 3.0	11.8 1.8	9.8 2.8
11.6 2.0	9.4 2.8	11.2 2.4	9.0 3.0	12.0 1.6	9.7 2.6
11.5 1.6	10.3 2.2	11.3 1.8	10.2 2.3	11.7 1.4	10.3 2.0
11.3 1.9	9.6 2.3	11.2 2.1	9.6 2.5	11.4 1.8	9.5 2.1
11.4 1.6	9.9 2.1	11.2 1.8	9.9 2.2	11.6 1.4	9.9 1.9
11.4 1.9	9.5 2.3	11.1 2.1	9.2 2.4	11.7 1.5	9.7 2.2

ment of the rate of academic progress of minority and "less advanced" students, without material detriment to whites.(4)

School desegregation has been the law of the land for more than a generation and it is now possible to appraise the limited available data concerning desegregatory achievement effects. The results have not affirmed certain expectations of the judiciary and the NAACP. In *Debra P. vs Turlington*, the NAACP originally emphasized ethnic disparities on test scores and argued that literacy tests unfairly penalized black students because they had not received an integrated education. U.S. District Court Judge George Carr therefore ordered a four year delay in implementing literacy tests as a criterion for graduation until all vestiges of school desegregation were gone. Four years later, blacks constituted only 21% of the state's high school population but 62% of those who failed. The NAACP sought a continued ban on withholding diplomas for those who failed the state's functional literacy tests. This Carr denied, because the students had attended a desegregated high school and racial disparities could not therefore be attributed to segregated education.(5)

Throughout the nation, major school districts continue to expand busing programs on the assumption that black children learn more effectively when schools are racially balanced.(6) Actual studies, however, fail to establish a clear linkage between forced busing and higher black achievement levels; as courts seek to shape appropriate remedies they experience a perplexing division of expert opinion. In the early 1980s, the National Institute of Education conducted an extensive investigation into busing effects. The result: the nation's top researchers, while disagreeing on the desegregation achievement question, were unable to identify a single longitudinal study which demonstrated that busing enhances black learning.(7)

Additionally, individual scholars have arrived at differing conclusions regarding desegregatory effects. Hawley has declared

(4) McMillan, James B. *Hearings before the Subcommittee on Separation of Powers of the Committee on the Judiciary, United States Senate*, October 16, 1981, 511-582.

(5) *Debra P. vs. Turlington*, 474 F. Supp. 244 (M.D. Fla. 1979; *Aff'd in part and vacated and remanded*, 644 F2d 397 (5th Cir. 1981).

(6) Tomorrow: A look ahead from the nation's capital. *U.S. News & World Report*, April 14, 1986, p. 29.

(7) Uribe, O. *The Effects of School Desegregation on the Academic Achievement of Black Students*. Washington, D.C.: National Institute of Education, September 1983.

that busing raises black learning levels, but in support of this cites only short term studies, which have produced inconsistent findings.(8) Grant and Sleeter have argued that the educational literature treats race, social class and gender as separate issues. They state that this oversimplifies appraisals of student school behaviors, and serves to perpetuate gender, class and race bias.(9)

Pursuing the Grant-Sleeter hypotheses, Scott analyzed profiles of tenth grade students who had never attended segregated schools.(10) Comparing gender and race achievement profiles, he found that whites obtained significantly higher scores in all achievement areas. However, the ethnic gap varied by achievement area, with narrowest ethnic gaps in Spelling and Mathematics Computation and the widest gap in Reading. Within-race differentials also appeared. Black males outperformed black females in Reading and Language (Expression), whereas black females scored higher than black males in Spelling and Language (Mechanics). The within-race achievement gaps of whites were narrower than those of blacks; white females outperformed white males in Spelling and Language (Mechanics), whereas white males scored higher than white females in Math (Concepts and Applications). From these data Scott suggested the possible merit of assessing individual students' profiles, as one strategy to more effectively individualize learning strategies. The present study is designed to provide additional and replicative data concerning sex and race learning profiles within a desegregated school setting.

Method: Within a metropolitan and southern school district which had been desegregated for more than 15 years, *California Achievement Test (CAT)* scores were obtained on all third and fifth grade students in three elementary schools and on tenth grade students in a large high school. The local administration considered the student population of the target schools representative of the district as a whole. The school district serves a large geographic area which has grown in population and

(8) Hawley, Willis D. False premises, false promises: The mythical character of public discourse about education. *Phi Delta Kappan*, November 1985, 183-187.

(9) Grant, Carl A. and Sleeter, Christine E. Race, Class and Gender in Educational Research: An Argument for Integrative Analysis. *Review of Educational Research*, Summer 1986, Vol. 56 (2), 195-211.

(10) Scott, Ralph S. Race Sex and race achievement profiles in a desegregated high school in the deep South. *Mankind Quarterly*, Spring 1985, Vol. 25 (3), 291-302.

affluence during the past several decades and is of mixed rural and urban character. School officials identified the sex and race of each student. Group administration of the *CAT* was conducted, and scores obtained on the following test measures: Reading (Vocabulary), Reading (Comprehension), Reading (Total), Spelling, Language (Mechanics), Language (Expression), Language (Total), Math (Computation), Math (Concepts and Applications), Math (Total), and Total Battery. No student enrolled in special educational programming was included in the study.

The sampling consisted of 107 third graders (20 black males, 20 black females, 28 white males, 39 white females); 111 fifth graders (19 black males, 30 black females, 30 white males, 32 white females) and 608 tenth graders (126 black males, 124 black females, 169 white males, 189 white females). On each of the *CAT* subtests, as well as for the Total Battery, means and standard deviations were obtained for all subjects by sex and by race, and also race x sex. Analysis of variance was employed to appraise the extent of variance attributable to sex, to race, and to interaction of race and sex.

Results: Tables 1 through 3 summarize results at the three grade levels. These tables present the average grade equivalency for identified subjects (all Subjects, Male, Female, White, Black) in the top left of each cell, with the standard deviations just below and in the lower right. Various achievement measures on the *CAT* are identified in the far left column. These tables show that at the third and fifth grade levels the average for the total sample was above presumed national norms on all 22 achievement areas tested. At the tenth grade level this trend was reversed, with the subjects scoring below the presumed national average on 9 of 11 measurements. The elevated scores at the lower levels are of considerable magnitude. For example, the Spelling average for third graders was 5.6. Since testing took place in April, national norms for this sample would be expected to approximate 3.8 (third grade and eighth month), but on Spelling the students of this third grade sample scored 1.8 grade levels higher than general expectancy. On third grade Spelling, white and black averages exceeded national norms by 2.3 and 1.0 grade levels respectively. Similarly, elevated scores are noted at the fifth grade level. In Language (MC) the fifth graders averaged 8.1 or 2.3 grade levels above approximated national norms, black and white averages surpassed presumed

national norms by 2.9 and 1.6 grade levels respectively. With tenth graders there is no elevation in test scores and averages are slightly below national expectancies (10.5, expectancy of 10.8). However, white tenth graders scored above national expectancy on all subtests except Spelling. The white average on this (Spelling) subtest is .1 below presumed national norms; however, white females scored .4 above, but white males .8 below, the hypothetical national average of 10.8.

These tables also demonstrate that females in general obtained higher scores than their male counterparts. Thus females' scores were higher on all 11 measures at the third grade level, 9 of 11 measures at fifth grade, and 10 of 11 at tenth grade. The magnitude of gender differences varied considerably. Third grade findings show that the smallest sex achievement gap was .3 of a grade level in Math (CM), and the largest in Spelling and Language (MC), where the differential was 1.3.

Tables 1 to 3 also show that at the third grade level white females secured higher achievement scores than white males, and that the differential equaled or exceeded a full grade level in Spelling and all three Language measures. Likewise, third grade black females secured higher scores than black males on all 11 measures, and in all three Language measures the gap exceeded a full grade level. At the fifth grade white females obtained higher achievement scores than white males on 10 measures, and in Reading (Voc) there were no within-race differences. In two academic areas, Language (MC) and Language (Total) the gaps exceeded a grade level and in Math (CM) the gap was one grade unit. The attainments of fifth grade black females exceeded those of black fifth grade males on six measures; black males obtained higher scores than black females on all three Math measures and on Total Battery. Black fifth grade males' Spelling norm was a full grade level higher than that of black females. Finally, tenth grade white females outperformed white males in all 11 achievement areas tested and their attainments were at least a full grade level higher in the two areas, Spelling and Language (MC). Tenth grade black females obtained higher scores than black males in eight measures and on two of them, Reading (CN) and Math (Total), tenth grade black males and females secured identical scores. On two measures, Spelling and Language (MC), the differences were at least a full grade level.

Tables 1 through 3 also demonstrate that whites obtained

Table 4

Analysis of Variance of Third Grade Black and White Students
by Sex, by Race, and by Sex X Race

	Main Effects	Sex	Race	Interactions, Race X Sex
R-VC	40.3 .00	2.6 .16	36.3 .00	.22 .90
R-CN	50.1 .00	4.5 .08	43.7 .00	.81 .45
R-TL	69.8 .00	5.3 .09	70.0 .00	.03 .90
Spelling	64.5 .01	26.2 .05	33.3 .03	7.3 .29
L-MC	54.7 .00	35.4 .00	15.3 .04	.72 .65
L-EX	70.7 .00	30.4 .00	34.7 .00	.01 .94
L-TL	88.2 .00	45.8 .00	35.6 .00	.41 .72
M-CN	6.1 .00	1.9 .05	3.7 .00	.00 .98
M-CN	22.3 .00	4.6 .04	16.2 .00	.13 .73
M-TL	12.3 .00	3.2 .03	8.2 .00	.00 .92
Total Battery	26.5 .00	7.6 .01	18.6 .00	.22 .67

higher achievement scores on 32 of the 33 achievement comparisons: 11 at each of the third and fifth grade levels, and 10 of 11 at tenth grade. In many cases the ethnic differences are substantially higher than those noted with respect to gender. For example, white third grade white females outperformed white males in Reading (Total) by half grade level (.5), and black females secured scores .4 higher than black males on this measure; the ethnic difference on this measure was 1.6 grade equivalences. White males and females both scored approximately a grade and a half higher than their black gender counterparts.

Tables 4 through 6 summarize analysis of variance findings. On these tables, and within each cell, the Sum of Squares is listed in the top left, and the statistical significance in the lower right. For example, and in appraising gender effects for third grade students in Language (MC), the Sum of Squares was 35.4 and the (gender) differences are significant at the .00 level. Table 4 shows that, at least at the .05 level of significance and with third graders, statistically significant gender differences occurred in Spelling and on the three Language, the three Math and the Total Battery measures. An examination of Table 1 shows that the significant Spelling differences are associated with gender and race profiles, but that the latter contributed more significantly to the obtained finding of statistical significance. Thus on Spelling, third grade white females outscored white males by 1.5 grade levels, whereas black females outdistanced black males by .4; white females' scores were 1.7 higher than those of black females, while scores of white males were .6 higher than those of black males.

Ethnic differences are also apparent on Table 4; these are not surprising since Table 1 reveals that third grade whites secured significantly higher attainments than blacks on all 11 measures. Table 4 shows that ethnic differentials are apparently much greater in some areas than others; for example, the Sum of Squares associated with race on Reading (Total) is 70.0 but only 3.7 in Math (CM).

At the fifth grade level, and as shown on Table 5, there were no statistically significant gender differences. This table also reveals that significant race differences were found on all subtests except Spelling and M-CM. Reference to Table 2 suggests that elevated and a skewed norming distribution probably explains these two findings of fifth grade non-statistical signifi-

Table 5
 Analysis of Variance of Fifth Grade Black and White Students
 by Sex, by Race, and by Sex X Race

	Main Effects	Sex	Race	Interactions, Race X Sex
R-VC	26.6 .01	1.4 .48	26.3 .00	1.4 .49
R-CN	46.2 .01	8.8 .18	41.1 .00	0.4 .93
R-TL	35.1 .01	8.2 .12	30.0 .00	.22 .80
Spelling	4.9 .76	2.2 .62	2.2 .62	14.7 .20
L-MC	63.1 .02	24.0 .08	45.3 .01	17.6 .12
L-EX	110.5 .00	15.1 .12	102.0 .00	.59 .76
L-TL	82.0 .00	17.4 .09	71.0 .00	2.5 .51
M-CN	5.3 .18	3.1 .16	2.7 .19	9.7 .01
M-CN	23.2 .00	0.3 .67	22.2 .00	3.6 .15
M-TL	9.1 .03	.32 .61	9.06 .00	7.03 .02
Total Battery	15.3 .02	3.1 .19	13.1 .01	4.0 .14

cance; white Spelling scores averaged 1.8 grade level above the assumed national average of 5.8, and the black average was 1.4 above this hypothesized national mean. Considerable variability appears with respect to the ethnic achievement gap at fifth grade, the largest in Language (EX) of 1.8 grade equivalence, the narrowest in Math (CM) of .3. Within-race sex differences were also apparent. On Language (MC), white males outscored black males by .5 of a grade level whereas white females averaged 2.1 grade levels higher than black females.

Analysis of variance concerning tenth graders of this study are summarized on Table 6. Here significant sex differences appear in Spelling, the three Language measures and Total Battery. Reference to Table 3 indicates that these significant gender differences are substantially attributable to the higher scores of whites with respect to the attainments of their same-gender blacks. In Spelling, white males scored .9 higher than black males whereas white females' scores were .7 above those of black females; also, white females scored 1.2 higher than white males and black females 1.4 grade units higher than black males. Also, wide differences are noted in magnitude of the ethnic differences, the widest tenth grade ethnic gap on Language(MC) 2.6 grade units, and the narrowest in Spelling (.8). The gap, however, increases when gender-race comparisons are drawn. Here the widest achievement gap between white females and black males was in Language (MC) where the differential was 3.6 grade units.

Discussion: The findings of this study provide replicative support for a number of conclusions reached in an earlier research study of tenth grade students, conducted by this investigator.(11) In that study, the scores of students who had always attended desegregated schools revealed consistent and large ethnic differences, and smaller and less consistent gender effects. On all measures, whites secured significantly higher scores than blacks; females generally attained higher scores than males but the gender gap was significantly narrower, and prevailed in fewer achievement areas than observed with respect to ethnicity. In the present investigation, no significant gender differences appear in any of the Reading measures, but significant differences are observed in Spelling (third and tenth grade), all three Language measures (third and tenth grade)

(11) Scott, op. cit.

Table 6

Analysis of Variance of Tenth Grade Black and White Students
by Sex, by Race, and by Sex X Race

	Main Effects	Sex	Race	Interactions, Race X Sex
R-VC	762.3 .00	11.7 .13	745.1 .00	5.5 .30
R-CN	773.6 .00	6.8 .29	762.1 .00	5.7 .34
R-TL	780.3 .00	11.7 .12	762.6 .00	5.7 .28
Spelling	349.2 .00	243.9 .00	96.5 .00	1.6 .63
L-MC	1140.1 .00	132.9 .00	986.2 .00	0.0 .95
L-EX	616.1 .00	52.9 .00	552.8 .00	1.2 .67
L-TL	818.1 .00	76.1 .00	728.3 .00	0.0 .93
M-CN	237.3 .00	9.8 .09	224.6 .00	5.1 .22
M-CN	424.6 .00	1.2 .60	421.6 .00	5.1 .28
M-TL	309.3 .00	3.7 .29	303.1 .00	7.3 .14
Total Battery	329.3 .00	26.2 .01	306.8 .00	0.2 .82

and all three Math areas (third grade). Statistically significant ethnic differences, with whites obtaining the higher scores, are noted on all 11 measures of the *CAT* (third and tenth grade) and 9 of 11 measures (fifth grade).

The results of this study lead to five general observations. First, achievement scores yielded by the *CAT* appear to be inflated. When, for example, the average score from a sampling of white fifth graders exceeds presumed national norms by almost three grade levels [as is the case of Language (Mechanics)], it is doubtful that test scores can be taken seriously. Further research may demonstrate that some school administrators are tempted to use tests which produce elevated scores. There are obvious political advantages in public announcements that students in a given school district score higher under desegregated schooling conditions. However, any such political use of inflated test scores is likely to prove ultimately counterproductive. Actual achievement, and not misleading high scores, is positively correlated with authentic student competencies and later employability. In fact, inflated scores may lead to a false sense of security with respect to educational efficacy, a complacency not justified on the basis of recent evidence that black unemployment and illiteracy levels have risen during the past several decades. (12, 13)

Secondly, the one exception to test score elevation involves tenth grade profiles; this is a surprising development since the author's previous investigation revealed that *CAT* tenth grade scores were extremely elevated. (14) Since the tenth grade students in the present study had always attended desegregated schools, replication studies seem warranted to ascertain, as some researchers suggest, whether the dynamics associated with desegregation (or forced busing) tend to increase the incidence of student alienation, especially with disadvantaged students who fail to achieve a modicum of academic success. (15, 16)

A third observation is that the findings consistently show that black achievements fall significantly below those of whites,

(12) Jacob, J.E. Education: The Key to Economic Survival. *Vital Speeches of the Day*, Vol. 52, 229-231, 1986.

(13) Veder, Richard and Gallaway, Lowell. AFDC and the Laffer Principle, *Wall Street Journal*, March 26, 1986.

(14) Scott, op. cit.

(15) Newmann, Fred M. Reducing Student Alienation. *Harvard Educational Review*, November 1981, Vol. 51 (4), 546-563.

(16) Fisher, Sethard. Race, class, anomic and academic achievement. *Urban*

although the school district has been desegregated since the students entered kindergarten. This finding suggests that widely held views concerning desegregatory achievement effects, still popularly held in some judicial and academic circles, require more extensive investigation which should consider the impact of home background factors on student learning profiles. The data of this study, for example, reveal that despite elevated scores which resulted in many students securing maximum scores which severed the usually long upper tail of the skewed curve far below its usual placement in the normal "bell shaped" curve, the black-white achievement gap equaled or exceeded a standard deviation on most measures. It therefore appears that, on measures which yield a normal distribution of test scores, the ethnic differences would be substantially greater than those reported on the *CAT*.

The character of gender differences constitutes a fourth observation. At all three grade levels females, both black and white, generally obtained higher scores than their same-gender and race counterparts, a finding which merits further investigation.

Finally, results of this as well as by experiment support earlier research conducted by Scott,(17) Grant and Sleeter,(18) which indicates that race, social class and gender must be treated as separate but interrelated factors. Granted that class factors are difficult to control experimentally, it appears inappropriate for researchers to ignore the important interaction of gender and race. If the goal of education is to provide each student with quality instruction it would seem that gender-race trends should be utilized since they provide one useful guidelines for enhancing prospects that each student be provided with appropriate and at least quasi-individualized learning experiences.

Education, Vol. 16 (2), July 1981, 149-174.

(17) Scott, op. cit.

(18) Grant and Sleeter, op. cit.

THE INSTITUTION OF CAPTAINSHIP: A TRADITIONAL POLITICAL SYSTEM OF THE NICOBAR ISLANDS(1)

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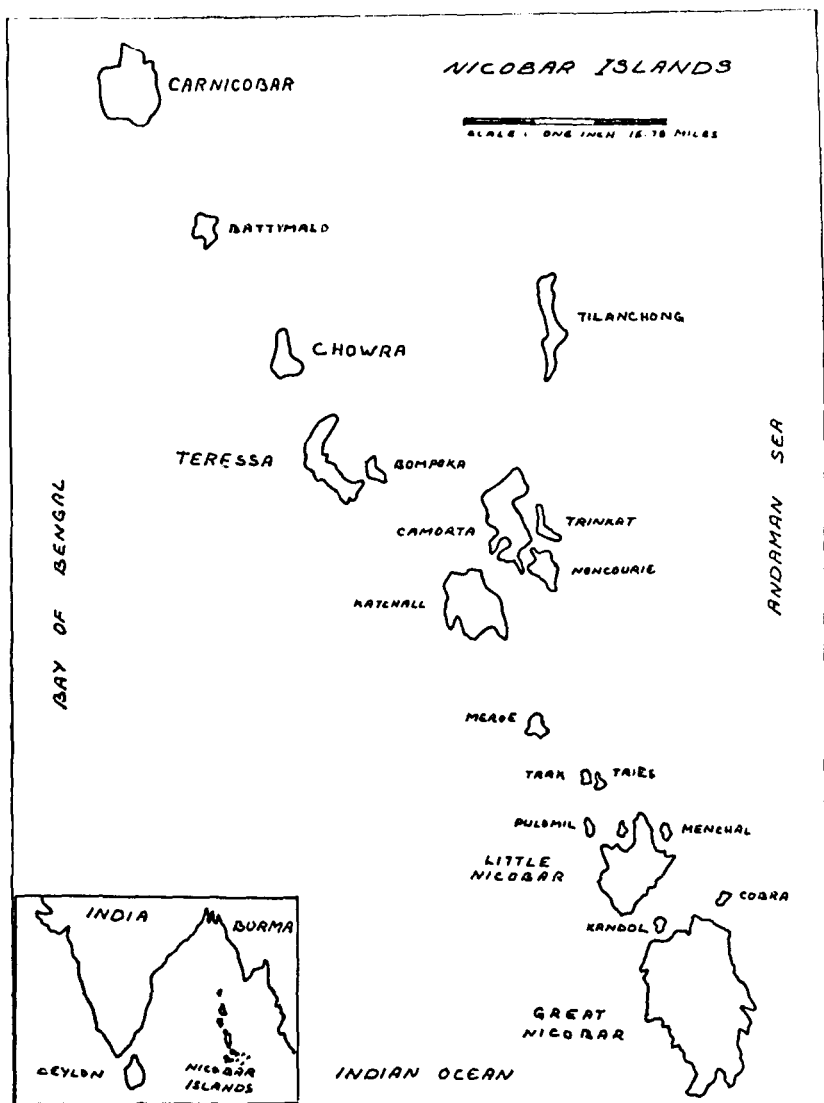
This paper seeks to clarify the traditional political system of the Nicobar Islands showing how this has responded to modern conditions under the pressure of democratic ideology from the Indian subcontinent.

Nicobar Archipelago is situated between 6° and 10° N. Lat. and 92° E. Long. There are twenty-two islands in the Nicobar Archipelago, of which only thirteen are inhabited. The thirteen inhabited islands are Carnicobar, Batty Malo, Chowra, Teressa, Bompoka, Kamorta, Trinkat, Noncowry, Kachal, Little Nicobar, Fulo Milo, Great Nicobar and Kondul. The total area covered by the Archipelago, including the uninhabited islands is 1647.11 sq. km. Carnicobar has an area of 127.0 sq. km. with a population of 18,000. Chowra has an area of 2.8 sq. km. with a population of 1500, while Teressa Island has an area of 88.06 sq. km. and a population of only 547.

The History

From the accounts of the early traders and travellers one can understand that these islands were never totally isolated. The sea routes on either side of the islands were used by traders even before the Christian era (Kloss, 1902: 215). There are descriptions of the people of the Nicobar Islands by Ptolemy, Fahien, I-Tsing and certain Arab voyagers. From the 14th century A.D. onwards, it is possible that these islands in general, and Carnicobar in particular, were in constant touch with the outer world through traders from different parts of the world. Almost around the period, i.e., during the 15th and 16th centuries, traders from the Maldives, Minicoy and Southern India estab-

(1) The data on Carnicobar and Chowra islands were collected as a part of a project financed by Indian Council of Social Science Research, New Delhi. For an extensive work on Chowra Island the first author was financed by the Department of Anthropology, Andhra University, Waltair. While field work on Chowra Island was intermittently carried out by the first author from 1971 onwards, the two authors carried out their field work in Carnicobar Island during the first quarter of 1981. Both the authors are thankful to the above mentioned institutions for their financial assistance.



lished regular trade links with Nicobar. Most of these contacts remained purely commercial without any apparent political ambitions, but in the 18th century the Danes and later the Austrians tried to gain political control over the islands but failed. In the 19th century, with their superior maritime power, the British finally established control over the archipelago.

Tracing the Christian missionary activities it can be said that the first attempts at religious conversion were made in the 17th century by the Jesuits. Later on many groups of Christian missionaries tried to convert the natives but with little or no success. The situation remained so until a Tamil Christian by the name of Solomon came to Carnicobar towards the end of the 19th century, and attracted a following among local youths to whom he offered education. One of these later became a bishop. Following the Japanese occupation of Nicobar between 1942-45, Christianity made rapid strides and today about 95% of the local population is Christian, the remaining being Muslim. The Islamic faith entered Carnicobar through Muslim traders from Minicoy and Qujrat., some of the former having married local women.

The Social Structure

The basis of village organization in Carnicobar is a socio-temporal unit or ramage, known as a *kinem*. Each *kinem* shares a part of the land under the village. The *kinem* is composed of collaterals, their spouses and their children, excluding those who have left after marriage. Since the *kinem* is composed of collaterals of both sexes, including their spouses, it is lineally neither agnatic nor uterine.

An individual belonging to a village has membership in one or the other *kinem* of the village. The affiliation of an individual to a *kinem*, acquired through birth, is never lost since the *kinem* is a corporate body having temporal as well as spatial existence. The family, which is a basic unit of the *kinem*, has no socio-economic status. For purposes of birth, marriage and residence the unit of reckoning is always the *kinem* to which the family belongs. Moreover, the primary corporate group is the *kinem* not the family.

Thus, the *kinem* of Carnicobar society fits Firth's definition of a ramage which is defined as "a corporate descent group of non-unilineal (ambilineal) character, membership being obtained ambilaterally i.e., through either parent according to

circumstances". Thus, the membership in the Carnicobarese descent group or *kinem* is determined by parental residence rather than parental sex. The continuity and growth of a *kinem* depends on the effective utilization of the resources under its command. Further "knowledge and technology may increase the working potential, but it is the mode of utilization of human labor in the Carnicobarese society that holds the corporate structure of the *kinem*" (Chaudhuri, 1977: 90).

Explaining the presence of cognatic descent groups, Fox opines that "the fact that cognatic descent groups seem most popular in small island communities may be due to the fact of population pressure on a small area of land. The cognatic system here allows for flexibility, while a unilineal system might well break down under demographic strains. In fact, unilineal systems do exist in small island communities but they have to make adjustments in the face of the pressures we have described. This leads some commentators to see the system we have called 'cognatic lineage' as the result of a break down of a patrilineal system" (Fox, 1967: 153).

The Chowra islanders consider that all persons who trace their descent from a common (unknown) ancestor belong to a *kunye*. The *kunye* maintains and persists in time and is exogamous in nature. Each *kunye* consists of a number of agnatic kingroups called *yomkanala*. A *yomkanala* may be defined as an active and effective agnatic kingroup whose members organize themselves around different types of families with shared common interests and activities.

Each *kunye* is named after the head of its senior *yomkanala* while the *yomkanala* is named after its seniormost living male member.

The territorial unity of the *kunye* facilitates the management of its affairs. It also facilitates the heads of *kunyes* locally called *kavee kunye* to control and supervise the activities of the respective members. The *kavee kunyes* look after the distribution and allocation of resources like land, forest resources, etc. Basically both *kunye* and *yomkanala* are corporate groups each responsible for different spheres of activities. (G.P. Reddy, 1982: 26, 27).

The Institution of Captainship

The institution of captainship in the Nicobar Islands is basically an instrument of social control. Its functions cut

across what can conventionally be called political, economic and judicial spheres. It was due to the extensive trade contacts these islands had with outsiders during the second half of the nineteenth century that this customary institution acquired the name of captainship. According to the natives the institution of captainship has undergone very little change in terms of its structure and function, though recently there is some attempt in Carnicobar Island by the Nicobar elite to give some semblance of democracy to this institution, as we will later perceive.

The Structure

The institution of captainship has a centripetal structure, at least apparently. Authority generates from the lowest level of the structure. In Carnicobar, a *kinem* is the smallest unit from which authority and power generate. Each *kinem* is headed by a *kinem ma* (captain of a *kinem*). Captains of *kinem* are generally the senior of the male line. It is, however, not necessary that the captaincy should pass from father to son, as it may also pass to collateral male kinsmen. But the eldest son of the *kinem ma* customarily inherits the position, unless he is incompetent. A *kinem ma* must have the ability to organize the affairs of the *kinem*.

Among the Chowra islanders, a *kunyee* comprises the members who trace their descent from a common but unknown ancestor. The *kunyee* is the basic unit in the institution of captainship in this island. The head of a *kunyee* is known as a *kavee kunyee*. The principle of primogeniture is closely followed in the matter of succession to the captaincy in Chowra.

The next higher body above the captainship structure is the village council. All the *kinem ma* in Carnicobar are members of this council. The Chief of the Village Council, *taka-rang-ma*, is chosen from among the members of the Village Council. It is not a hereditary post but there is no restriction on a son succeeding a father as a *taka-rang-ma* if he is capable.

The Village Council, called *kanju-la-mattai* in Teresa, is headed by *omyoa-ku-mattai*. All the heads of the families of the village are members of this council. Primogeniture is the mode of succession for the office of *omyoa-ku-mattai*.

In Chowra there is no Village Council, only Village Captains. These Village Captains are nominated by the Island Chiefs in consultation with the inhabitants of the villages. The position of

Village Captain was a new addition to the existing captainship structure only a few decades ago.

An Island Council is the supreme body in the captainship structure. In Carnicobar all the Village Captains are members of the Island Council, which has a Chief Captain and Vice-Chief. The Chief Captain of Carnicobar is always a resident of Lapati village, a custom explained by the fact that the original migrants to this island are believed to have first settled at a place where the village Lapati is now situated. Later they spread out along the coast of the island establishing new villages. Despite the establishment of new villages, the islanders continued to draw their Chief Captain from Lapati only.

In Terassa, the Island Council consists of all the *omyoa-kumattai* of the island. There is no definite pattern of succession to this office. The chief is assisted by two deputies.

The Island Council of Chowra, the *kavayee*, consists of all the Village Captains and *kavee kunyee*. One of the *kavee kunyee* is the Chief of the Council while the other *kavee kunyee* are Second and Third Chief Captains.

The Function, Jurisdiction and Power of the Captains

The *kinem* captain has the responsibility to maintain the *kinem* estate and also to see that all the members of the *kinem* are properly provided for with respect to food and other necessities. He has also the responsibility of directing the labor force, drawn from among the *kinem* members, as may be required for the plantation and other work.

The *kinem* captain also acts as a mediator in any intra-*kinem* disputes that may arise and also serves as a representative of his *kinem* when there are inter-*kinem* disputes, representing his *kinem* in the Village Council. Thus his functions are not just economic in nature, but include many other aspects. Even decisions on marriage transactions have to be ultimately approved by the *kinem* captain.

Although a list of the functions of a *kinem* captain may create the impression that he enjoys arbitrary authority, in reality this is not the case. Before a captain makes any final decision, he consults all the adult members of his *kinem*, and he acts only after taking into consideration the opinions expressed by the members. Thus, all the adult members of the *kinem* enjoy a certain status in the decision-making process, and the captain must enjoy the confidence of the *kinem* mem-

bers. This process of validation of authority is necessary for the perpetuation of the *kinem* as a group.

In Chowra the *kavee kanala* controls the use of outrigger fishing canoes by the members of *yom kanala*. The *kavee kunyee* controls the distribution and reallocation of garden land among the members of his *kunyee*. He organizes work-groups for the construction of large outrigger canoes for inter-island travel for the purpose of trade with other Nicobar islands. The *kavee kunyee* also arbitrates whenever there is a dispute between any two members of his *kunyee*. The *kavee kunyee* is vested with powers to excommunicate any member of his *kunyee* who acts against the interests of his group, as well as against the interests of the island.

There is no comparable data available for Teresa Island regarding the function of a head of a family/kinship group.

The Captain of a Village represents the village in the Island Council. His chief responsibility is to see that the plantation land under the authority of the village is properly distributed among all the *kinems* of the village. He also mediates in the cases of disputes over plantation land between any two *kinem* of that village. In the case of inter-village disputes he represents the village. The Village Captain is also responsible for organizing communal activities of the village such as the building and repairing of communal houses, the organization of festivals, etc. For such communal activities he draws persons from different *kinem* and assigns them tasks.

To help him organize the affairs of the village a captain has two deputies under him; the Second and Third Captains. With the help of the Second and Third Captains, a Village Captain organizes meetings of the Village Council. The Village Council generally meets to discuss the organization of festivals. It also meets to discuss and resolve disputes between any two *kinem* of the village. Occasionally an *intra-kinem* dispute, which could not be resolved at the *kinem* level is also brought to the level of the Village Council. Though in theory the Village Captain is the ultimate authority in the decision-making process, he takes advice from selected elders of the village.

The Village Captains in Chowra act mainly as the representatives of the Island Chief. Their main function is to look into the day-to-day problems of people of their respective villages, and they are supposed to visit each household at least once a week, in order to obtain personal knowledge of the problems faced by

households with regard to food and other materials. The Village Captains solve minor problems and report to the Chief of the Island any problems which they are not able to solve.

The Chief Captain is the supreme person in the traditional political system. He presides over meetings of the Island Council, and acts as the representative of the Island community in discussions with government officials. To assist him in his duties, the Chief Captain has under him a Deputy Chief Captain.

The Island Council meets to discuss the problems of the island in general, and to resolve any inter-village disputes. The main function of the Island Council is to maintain cohesion and order among each island community. The Island Council is the highest body in the traditional political system, and decisions taken by the Island Council are final. So far, there has not been a single instance where any dispute failed to be resolved within this traditional, customary framework.

The Chowra Island Council acts as the legislative, adjudicative and executive body of the island. The Chief of the Island is the judge whose word is final. But in practice he seeks the advice of the Second and Third Chiefs and the *kavee kunyees*. The major task of the chief is liason between the Government Administration and the Chowra people, seeking to foster developmental activities for the benefit of the people of Chowra.

The chief of Teresa Island, *kariyo-takeru*, is the "supreme arbiter and judge of the community".

The Institution of Captainship Compared in Three Islands

There are certain basic differences in the institution of Captainship in the three islands under discussion i.e., Carnicobar, Teresa and Chowra.

In Carnicobar there is no fixed mode of succession to the position of *kinem* and Village Captainship at the jural level though at the normative level it is often found that sons succeed fathers to these positions. In Chowra and Teresa, the principle of primogeniture is followed quite strictly in the matter of succession to the position of village captain.

There is also a difference in the captainship organization among the Carnicobaris and Chowrites. The Carnicobari captainship organization has a definite gradation; it starts with *kinem* and ends with the Island Council. Each level, thus, is more inclusive than the lower one. In Chowra no such clear

gradation exists. This is due to the introduction, a few decades back, of the post of Village Captain in Chowra. Thus, without the Village Council, the organization in Chowra has all the characteristic features as in Carnicobar.

The captainship organization in Carnicobar is somewhat flexible, whereas in Chowra it is quite rigid. This observation is purely relative, and no further conclusion should be drawn.

Attempt at Adult Franchise

In 1978 the people of Carnicobar for the first time elected their Village Captains through adult franchise. (2) This step was taken by the leaders of the island as an answer to criticism from certain quarters within the community as well as from external government institutions and officials, about which mention is made while discussing the nature of the traditional political system of the island. Interestingly, the position of Chief Captain of the island still continues to be filled by the traditional method and not by adult franchise as in the case of Village Captains.

Discussion

The discussion is limited to the institution of captainship in Carnicobar to facilitate better understanding of the institution. The institution of captainship in Carnicobar has the semblance of a perfect 'democratic' institution, if we brush aside the *external* factors. (3) The very process of 'democratization' of this

(2) The election to the Village Captains was conducted in a systematic manner. First an election committee was constituted to agree on the procedure and modus operandi of the election and the same committee acted as a supervising body from the time of calling for nominations till the results were declared.

(3) A Cooperative (Ellon Hinengo Ltd.) Society in Carnicobar was started in the year 1977. This cooperative purchases Betel nuts, copra and sells them in the mainland, and imports the consumer goods for sale in the island.

Prior to the establishment of Ellon Hinengo Ltd., (EHL), a family concern of Zadwet — a Muslim trader from Kathiawar — had a monopoly of trade in the entire Nicobar group of islands. Zadwet Trading Company naturally needed the 'goodwill' of the islanders to pursue its trading activities, and this trading company had, in fact, close interrelationships with the islanders.

The Zadwets used the same methods utilized by the Christian missionaries earlier; Zadwets selected some Muslim Nicobar boys for education in Gujarat. This 'grooming' had wider repercussions than is apparent. When the trade monopoly was disrupted, the Zadwets saw to it that one of the local Nicobar Muslim boys (groomed by them) was made the highest official in the Cooperative Society (EHL). One of the members of the Zadwet family became a Chief Executive of the cooperative. Thus, the Zadwets had both their own family man and their selected man at the helm of the cooperative. This, of course, was to serve their business interest. Even after the establishment of EHL, the Zadwets have considerable interest and connection with

institution was a sequel to the 1) growing restlessness among the educated Nicobari youth, who felt that the institution has certain 'undemocratic' aspects, and 2) criticism by the officials of the Andaman and Nicobar Administration as well as by certain political parties.

There have been various points of contention and conflict between the traditional leadership and the youth. They include: 1) Prior to 1978, the laborers required for loading and unloading the ships of the trading company were supplied by Village Captains. The trading company used to make the payment to the captain; and 2) the number of people that would work for the government and other organizations were decided by the Village Captain,(4) a practice which restricted the opportunities available to educated youth.

One cannot say that with the introduction of adult franchise in 1978 as a means of electing the Village Captains, these factors were eliminated, but certainly the restlessness of the youth has been defused to a considerable extent by inducing some relatively younger people into the 'captainship' structure. Nevertheless the first captains were the same old people in twelve out of the fifteen villages, thus maintaining active control over the system.

Sometime back certain allegations were made in the Indian Parliament regarding the institution of captainship. These included the suggestion that the captaincy was 1) a feudal system, and 2) that the captains possessed arbitrary powers. It

the islanders since they are the sole selling agents, on the mainland, for the produce purchased by the cooperative irrespective of the marketing agents. It is for them to sell it at whatever price they want. Thus, in reality the cooperative society is only a middleman. If we understand the intricacies involved in the marketing system of the cooperative, we can easily follow the interest taken by Zadwets in the affairs of the Nicobarese. Thus the Board of Directors and the Vice-Chariman of the society consists of all the Village Captains.

Despite the indirect control of the society by an outside agency, the society is rendering yeomen service to its people. Particular mention may be made of its General Manager, a Muslim Nicobar who is a guide and philosopher not only to the Captains but also to the entire Nicobar population. Through him the society sends promising boys to the mainland for higher education and also serious cases of sickness for treatment.

Financially the society is in sound position and the annual profits are considerable. Profits could be improved if it eliminated the selling agents for it would then be in a position to pay more dividends and render more services to its people.

(4) There are about five available posts in the clerical cadre of the State Bank of India, Carnicobar. At the time of selection only two people attended. The State Bank officials are of the opinion that the Village Captains decided that only two young men would take up service in the Bank.

was largely due to these two allegations that the traditional leaders of the islands introduced some semblance of democracy into the institution of captainship, by voluntarily adopting adult franchise for the election of Village Captains. It is pertinent here to examine these allegations since they have a direct bearing on the nature of the system of captainship.

There is no universal definition of 'feudalism', since feudalism was not a universal, worldwide institution. But if we forget about the temporal and spatial context of feudalism, one can say that "in the feudal system in its classical form, the producer is neither completely separated from the means of production, nor is he an independent economic being . . . This feature formed the objective basis of the appropriation of the peasant's surplus labor by the feudal lords primarily for purposes of agricultural production" (Mukhia, 1979: 10).

The production relations obtained in Carnicobar are such that the producer is neither totally alienated from the means of production nor is he totally independent with regard to his means of production. As is clear from the description of the social structure, every adult has a share in the produce but at the same time is not free to separate from the *kinem* estate. In this sense the *kinem* estate system could be termed 'feudal', but the *kinem* captain or the Village Captain does not completely appropriate for himself the surplus produce and labor, and the system really falls outside the definitional range of feudalism. Some *kinem* have greater control over the means of production, and others have less control, depending on the manipulative power vested with the Village Captain. However, at no stage is the *kinem* totally alienated from the means of production.

The second point put forth has to be considered in the light of the description given earlier. In the 'textual' sense, no captain can make a decision arbitrarily. Decisions generate from below and ultimately reach the apex, but in reality the captain can manipulate in such a way that the decision taken by him is also the decision reached by the body through 'consensus'. As one official of the administration aptly pointed out, "If you have convinced the captain you have convinced all the people in the village".

At no stage had the institution of captainship the exploitative character commonly associated with feudalism. In practical terms the serfdom associated with the feudal system has never been a part of the institution of captainship. The population is

too small and the society too 'closed' for that, since exploitation and appropriation would be too obvious and the conflicts would immediately manifest themselves. In fact, one can say that it is very difficult for a typical feudal mode of production to develop in any territorially small and physically isolated island society.

Apart from being non-feudal, the institution of captainship is a system of adaptation to the prevailing environmental and ecological conditions in the island. The institution is responsible for achieving an almost equal distribution of available resources among the people. Besides, the custom of generalized reciprocity and redistribution, encouraged by the institution, also helps to minimize any differences. With a limited land mass and an increasing population, one can say that this institution is playing a useful role in an efficient economy. Furthermore, an elaborate system of secret ballot, involving an election committee and assignment of symbols to candidates, has been devised for the election of Island Captains and Vice Captains, and this has preempted criticism of the institution of captainship by the officials of the Andaman and Nicobar Administration and representatives of the concerned political parties.

No doubt there are certain aspects of this institution which are still subject to external criticism. But by and large there is very little value in criticisms directed against it. The external politicians who have criticized the Nicobar institution of captainship seem to have very little personal acquaintance with Nicobarese, and the present atmosphere is one of antagonism between the officials and the natives. The Nicobarese do not like the encroachment of the Indian administration on their islands for the establishment of alien government institutions. Not only this, the natives are resentful because in the name of Administration and Development more and more mainland Indians are making their way into the islands. The natives and the leaders feel that the increasing influence of aliens will have an adverse impact on their way of life and their culture, which ultimately may lead to disorganization. During the period of Janata Government, when Prime Minister Morarji Desai visited this island, all the Captains of the Village and the Captains of the Island Council united to submit a Memorandum requesting him to stop any further activity by the administration which might require the surrender of land to the government.

On the other hand, the officials of the administration are

sour because they have no access to the people through the captains. The officials feel that their own power is restricted because of the presence of the institution of captainship, so that we need have little surprise that the Indian officials criticize this institution. Confrontation between the institutions of captainship and officialdom also take place because of programs initiated by the latter. A clear example of the current confrontation is to be seen in the fact that the Indian administration is considering the construction of a jetty at a cost of rupees six crores, while the Carnicobarese oppose this, feeling that a jetty will in no way benefit them, but will simply serve to facilitate the movements of officials and to increase the influx of the mainland population into the island.

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THE MIGRATION ROUTES OF THE PROTO-MANDE

CLYDE AHMAD WINTERS

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Scholars have long speculated that the Mande speakers spread from the Niger Delta to their present centers of habitation. The archaeological evidence on the other hand indicates that the Niger Delta was uninhabited until the first millennium B.C., when it was occupied by people using Saharan pottery of a style dating to 2000-500 B.C.

In this paper the author will use archaeological and linguistic evidence to support the hypothesis that the home of the Proto-Mande was the Sahara. It will also use archaeological and linguistic evidence to recover aspects of Proto-Mande civilization.

The Mande languages are widely spoken in West Africa, but very little is known about the location of the Proto-Mande in prehistoric times, or about their subsequent migration routes.

Archaeologists have made considerable progress in identifying ancient African cultures and civilizations. Gaps remain in the West African archaeological record, but there is enough accumulated archaeological data to enable us to make hypotheses concerning the spread of the Mande speakers.

In this paper we will use linguistic and archaeological data to discuss the prehistoric migration routes of the Mande speakers, in addition to their culture and economy.

Historical linguistics can be useful in supplementing archaeological research. The correlation of linguistic and archaeological findings is not new. For example, Indo-European studies have advanced substantially through a comparison of linguistic data with archaeological evidence. In the African theatre of historical linguistic research Christopher Ehret (1982) has been very successful in attempting historical reconstruction using archaeological and linguistic data to examine aspects of Cushite history.

When linguistic resemblances are the result of historical relationships, such resemblances facilitate not only the reconstruction of earlier forms, they also help the researcher to make archaeological inferences from the linguistic evidence concerning the past historical existence of a society.

The Mande languages belong to the Niger-Congo phylum, and are classified into Northern and Southwestern and South-eastern divisions (see Table 1).

The traditional view of the separation of Proto-Mande would

TABLE 1
THE MANDE LANGUAGES

Northern Mande

Susu-Yalunka

Soninke

Hwela-Numu

Ligbi

vai-Kono

Khasonke

Manding (Malinke/Maninka-Bambara-Dyula)

Southwestern

Mende-Bandi

Loko

Loma

Kpelle

Southeastern

1. Mano

Dan

Mwa

Nwa

Gan

Guro

2. Samo

Bisa

Busa

3. Sya (Bobo)

place the original home of the proto-Mande (PM) in the woodland savanna zone of West Africa, in the area of the Niger Basin 4000 years ago (Ehret & Posnasky, 1982: 242). Although this is an attractive hypothesis the archaeological data suggest earlier links with the Saharan highland areas, and the southern Sahara, possibly as far back as 8000 years ago.

It may therefore be suggested that some 10,000 years ago Niger-Congo speakers were living in the Saharan highlands. At this time Mediterranean vegetation, now confined to the North African coast, extended over the Hoggar, the Fezzan and Tibesti (McIntosh & McIntosh, 1981).

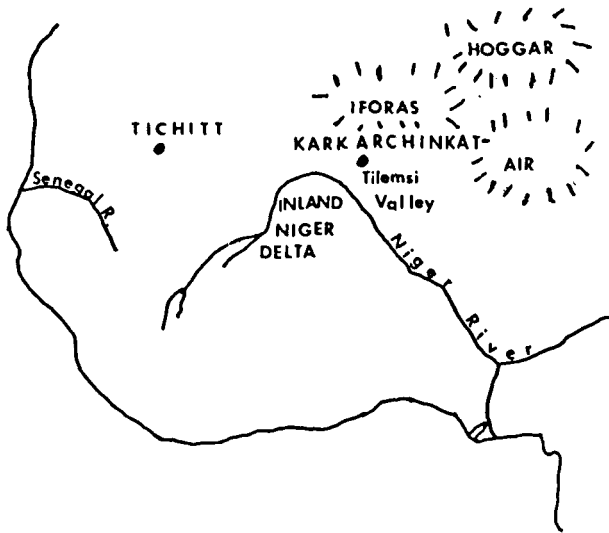
The Proto-Mande (PM) were part of the Saharo-Sudanese tradition, users of the dotted-wavy line ceramics (McCall, 1971). The migration of the PM in the direction of West Africa from the Sahara began after 4000 BC, when moister conditions appeared in West Africa as the Sahara entered its present dry period (McIntosh & McIntosh, 1981).

William Welmers (1971), has postulated that the original Niger-Congo homeland was in the vicinity of the Upper Nile. Other Niger-Congo elements outside the nuclear Nubian area probably inhabited the plateau and mountain regions of the Sahara: Ennedi, Tibesti, Hoggar, Tassili, Air and Adrar des Iforas.

From an early date, Niger Congo speakers were more than likely sedentary-pastoralist as indicated by the proto-terms for cow and goat (Greenberg, 1970). These pastoralists probably remained in the same area as long as there was enough grain to be collected for human consumption and other grasses to feed the animals.

The pastoralist tradition in the Sahara was first introduced when the Sahara was a mosaic of lakes and marshes united by permanent streams. In Chad and Libya the remains of cattle are associated with prehistoric hearths dating over 7000 years ago (Wendorf, Close, Schild, 1985). During this same period the proto-Niger-Congo speaking peoples may have been collecting grain.

After 4200 BC, the proto-Niger-Congo speakers migrated back into Nubia from Libya and other highland areas to the West, to escape arid conditions in the Sahara (Wendorf, Close, Schild, 1985). The sedentary-pastoralist tradition of the proto-Niger-Congo probably came in response to the decline in food resources around lakes and rivers after 4200 BC, when the



PROTO-MANDE

DISPERSAL

1. Soninke Migration into the Maghrib 2700 BC
2. Soninke-Vai Migration towards Tichitt 2500 BC
3. Manding Migration into Fezzan 2500 BC
4. Vai separate from the Soninke 1000 BC
5. Manding migration into Tilemsi Valley 2000 BC
6. Southern-Eastern Mande migration from Air to present location 400 BC

Sahara entered a dry phase (McIntosh & McIntosh, 1983). The Niger-Congo speakers initially kept domesticated sheep and goats but later supplemented these animals with cattle (Camps, 1974).

This view is supported by the PM terms for goat **ba/bo*. Although the PM speakers were familiar with sheep, there are a diversity of terms for this animal in Proto-Mande: PM **-ara*, **ba*, **sege*. This suggests that the Northern Mande speakers were the first Mande to keep domesticated sheep. The affinity between many Mande speakers in the terms for goat and sheep suggests that Eastern and Southern Mande speakers only recently domesticated the sheep. (See Table 2)

The PM domestication of the cow is evidenced by PM **nag*, **na/ni*, the cow being probably used for meat. In addition to the cow and goat the PM also had dogs, PM **-ōrō*. The proto-Niger-Congo speakers collected grain, as evidenced by the discovery of abundant pottery and grinding stones on prehistoric sites in middle Africa.

Beginning in 4200 BC the Sahara began to dry up. This caused members of the proto-Niger-Congo group to flee the increasingly harsh environment. It was difficult for the Niger-Congo speakers to migrate rapidly out of the Sahara into much of Equatorial and West Africa since the forested and swampy areas were rampant with sickness for animals and humans (McIntosh & McIntosh, 1981).

The increasing aridity in many parts of the Sahara led to overpopulation in many choice Saharan highland areas. Thus hyperaridity in the Sahara led to the collapse of the proto-Niger-Congo cultures. High population density, and the resulting need for a reliable food supply forced the proto-Niger-Congo speakers to migrate out of the Sahara into other parts of Africa. The Mande speakers probably lived to the far north of the rest of the Niger-Congo speakers in the Fezzan and Hoggar.

The migration of various proto-Niger-Congo populations to new homes, and the isolation of other groups probably led to the development of the many divisions in the Niger-Congo family we recognize today. This ecological decline in the Sahara probably provided the impetus behind the Niger-Congo migration waves from the Sahara toward the Niger, as suggested by Joseph Greenberg (1964).

Semantic anthropology can help us to discover aspects of PM culture. Semantic anthropology, stated simply, is the use of



Fig. 1. Mande cultivation techniques are of substantial antiquity. Seen here are members of a Manding-speaking (Northern Mande) tribe, harvesting their crops.



Fig. 2. A tranquil Manding village scene, showing women preparing food.

lexical data to uncover the social system of a linguistic community or groups of related linguistic communities.

The linguistic data supports the archaeological evidence that the Proto-Mande lived in settlements, PM **uru*, led by chiefs **man-*. These villages were more than likely established on or near highland areas/mountains PM **kul*.

The Proto-Mande carried on cultivation characterized by the use of the hoe PM **ka-*, and related water storage and irrigation techniques plus the application of fertilizers (manure) to the land, PM **eru*.

The Proto-Mande speakers possibly had granaries PM **kulu/kuru* to store their cereals. To collect the grains the Proto-Mande used wide open baskets PM **sam-*. To cook their vegetables and stews they used clay pots PM **ara*, **bà*.

Specializing mainly in animal husbandry the PM were also knowledgeable about the properties of many plants, due to their gathering experience spanning millennia as sedentary pastoralists. The Proto-Mande speakers probably collected/cultivated PM **bè*: millets (sorghum) M **nyo*, **kan/gan*; yam PM **ku*, **nya*; cotton PM **fan-/ban-*; rice PM **mal-*, **ko-/go-*; and the calabash PM **pà/fá*, **bala*. This would confirm the botanical investigations of Porteres (1950, 1976), and Doggett (1965), relating to the indigenous crops of West Africa and the Sahara.

The PM used the hoe PM **ka-*, to till their fields. Changing ecological conditions and the popularity of animal husbandry probably encouraged the Proto-Mande to practice some form of shifting cultivation as they spread across the Sahara as ecological conditions forced their migrations. Except among the Manding (Malinke-Bambara) horticulture was secondary to animal husbandry.

A comparison of the Mande languages can give us valuable information about the Proto-Mande language and culture. This is done through a comparison of the major culture terms and body terms of the Mande speakers. (See Tables 3-7)

The PM roots are predominately monosyllabic (Consonant (C) Vowel (V)). The most common PM names begin with the initial consonant stems /**k/*, /**n/*, /**s/* and /**b/*, eg., cotton **ban(n)*, sheep **ba*, goat **ba/bo*, yam **ku*, tooth **ni*, nose **nu*, eye **nya*, back **ko* and heart **so*.

There is also a VCV class of PM terms. The VCV roots include *-ara*, *-ora* and *-uru*. These terms include **foro* 'blood', **doro* 'finger', **-uru* 'village', **kuru* 'bone', **fara* 'skin' and

TABLE 2
PROTO-MANDE CULTURE TERMS

	Pot	Basket	Yam	Cotton	Rice
1. Azer	<u>gene</u>			<u>kotolla, kotello</u>	<u>dankante</u>
2. Vai	<u>lāā</u>	<u>sāmbā</u>	<u>lamba</u>	<u>fānde, banda</u>	<u>ko'2</u>
3. Manding	<u>da, data</u>	<u>sagi, wata, sisi</u>	<u>ku</u>	<u>fani</u>	<u>malo</u>
4. Boro	<u>baza, koru</u>	<u>sinsin</u>	<u>ku, kunan</u>	<u>dou, donan</u>	
5. Mende	<u>fe</u>	<u>sambe</u>	<u>ngawi</u>	<u>fande</u>	<u>malo, konu</u>
6. Soninke					<u>dugo</u>
7. Kpelle	<u>lefi</u>		<u>lau</u>		<u>molv</u>
8. Boko				<u>ba</u>	<u>mole</u>
9. Busa				<u>bu</u>	<u>mole</u>
10. Bisa	<u>gi</u>			<u>ba-hu</u>	<u>muhi</u>
11. Lebiri	<u>gi</u>				<u>mela</u>
12. Sa					<u>miri</u>
13. Bbbo	<u>la</u>				<u>man</u>
14. Nwa	<u>gbo-tro</u>		<u>nva</u>		<u>monō</u>
15. Mana	<u>bāy</u>			<u>ba-nē</u>	
Proto-Form	<u>*ara, *ba, *gi</u>	<u>*sam-</u>	<u>*ku, *nva</u>	<u>*fay- /ban-</u>	<u>*mal, *go / *ko-</u>

	Goat	Cow	Sheep	Dog	Hoe
1. Azer	sze-vakare	na-vakare	sage	nilla	tozaa
2. Vai	ba	nī	barawa	wū'y, wuru	ka
3. Manding	ba, bani	guŋga	sara, saga	wuru	kope
4. Bozo		na		kongoro	somo
5. Malinke					
6. Mende	nie	nike, nika	mbala	ngile	kali
7. Soninke		nā			kāle
8. Kpelle	foli		bala	'āla	
9. Boko	blē	suda	sa	gme	
10. Busa	blē				
11. Bisa		dir-da	sir	gi	
12. Lebiri	bir	dir-da	sir	gi	
13. Gban	bu		baba	sona	
14. Guro	bori		bera	berē	
15. Yaure	bobō			berē	
Proto-Form	*ba, *bo	*nag, *ng/*ni	*sara, *oro, *-uru *ba	*-oro, *-uru *gi	*ka

TABLE 3
PROTO-MANDE CONSONANTS

There are thirteen Proto-Mande Consonants.

	t	k
b	d (dy)	g
f	s	
	l	r y (gb)
m	n	ny

TABLE 4
PROTO-MANDE CONSONANT SYSTEM

Table 4: Proto-Mande Consonant System

The most common initial stem consonant phonemes are /b/, /d/, /f/, /k/, /m/, /n/, /s/ and /t/. The rarest Proto-Mande consonant as a beginning stem is /l/. In PM /**l*/ and /**r*/ rarely occur initially. These same consonants were also interchangeable.

b	-b-
d	
f-	
g-	
k-	-k-
l-	-l-
m-	-m-
	-r-
s	-s-
t-	-t-
	-y-
ny-	

TABLE 5
PROTO-MANDE VOWELS

There is a system of five basic vowels and three fold distinction of lip rounded and unrounded.

i	u	ii	uu
e	o	ee	oo
ɛ		æ	

TABLE 7
PROTO-MANDE PREFIXES FOR THE PARTS OF THE HEAD

It is interesting to note that the relation to the head, the Mande languages share the practice of prefixing names for parts of the head with the affixes *ny-* or *ku-*. The common occurrence of *ny-*, in the formation of names related to the head and face suggest that the Proto-Mande morpheme for face was **-y-* and/or **-i-*. This would explain the frequent occurrence of /y/ or /i/ in the formation of words related to features of the face. The consonant /n/ was merely used to indicate nasalization.

English	Azer	Bobo	Manding	Boxo	Vai	Sa
head	<u>nyine</u>	<u>mwon</u>	<u>kū</u>	<u>nyo.go</u>	<u>kūn</u>	<u>nyisi</u>
eye	<u>nyare</u>	<u>nyano</u>	<u>nya</u>	<u>nyw.nyw</u>	<u>dse</u>	<u>yī</u>
hair			<u>ku-si,si</u>	<u>nyo-ti</u>		
skull	<u>nyima-kota</u>		<u>ku-Akolo</u>	<u>gōn</u>		
beard	<u>sinte</u>		<u>bonsi,si</u>	<u>nyeroo</u>	<u>ne</u>	
face			<u>nya</u>	<u>nyo-n-de</u>	<u>ngva:</u>	

TABLE 6
MANDE PHONOLOGY AND MORPHOLOGY

An examination of the PM culture and body terms can provide us with insight into the morphological and phonological developments among the Mande speakers.

The Soninke early separated from the other Mande speakers. Soninke is the most archaic form of the Mande languages. In Soninke, it would appear that a /^{*}x/, may have evolved into /k/ or /g/, this view is supported by the following examples:

	x	K	G
<u>bone</u>	Soninke <u>xote</u>	Azer <u>kote</u>	Azer <u>gata</u>
		Bozo <u>jun</u>	Manding <u>ghere</u>
		Vai <u>kuru</u>	Da <u>ga</u>
		Manding <u>kuru/kulu</u>	
		Nwa <u>kongoro</u>	
<u>Male</u>		Azer <u>yoko</u>	Soninke <u>yugo</u>
		Yaure <u>konomo</u>	Bozo <u>kaigu</u>
		Manding <u>moko,kve</u>	Bisu <u>gungha</u>
		Nwa <u>kole</u>	Bê <u>gon</u>
		Vai <u>kai,kere</u>	Wè <u>go</u>
<u>Head</u>		Manding <u>ku(n)</u>	Bozo <u>go(n)</u>
		Vai <u>kũg</u>	Da <u>go</u>
		Mende <u>koonɔ</u> 'brain	

Welmers (1958), has suggested that Soninke does not share with Manding and Vai the merger of /k/ and /g/, but this can not be proven through a comparison of Mande terms for the body. As you can see from the above in the lexicon for parts of the body there appears to be a merger of /k/ and /g/ in Soninke languages as in the other Mande languages.

**yagare* 'female'.

This comparison of Mande linguistic material suggests that Bobo, is closely related to the Northern Mande group, especially Vai and Manding. It would appear that when the South-eastern Mande groups began to migrate out of the Air and Iforas towards the Atlantic they settled in an area already occupied by scattered Manding groups.

The Proto-Mande migration waves, as the general separation of the proto-Niger-Congo groups, began due to environmental stresses during the later Holocene in middle Africa. Population pressure in the Sahara Highlands during a period of hyperaridity forced these migrations.

In 3500-3200 BC when the Proto-Mande speakers left their original Libyan-Nubian homelands they apparently migrated around the same time and remained more or less a single linguistic community. Surely there were internal differences within members of the Proto-Mande group, but these differences probably were not significant enough to interfere with social communication. The evolution of the uniform Proto-Mande languages into Northwestern and Southeastern Mande divisions were the result of cultural changes.

It would appear that animal husbandry remained popular among all the Mande speakers. As a result the major differences in the Mande cultural lexicon occurred in the area of terms for cultivated/collected crops.

In the area for terms relating to cultivated plants there are deep internal divisions reflecting both the time depth of the original divergence of the Mande speakers, and also their adaptation to diverse environments. The Proto-Northern Mande speakers, especially the Manding group, began to cultivate crops as they migrated westward from the Fezzan and Hoggar regions. The Soninke and many South Eastern Mande speakers remained primarily pastoralist. As a result they adopted the names of cultivated plants used by the Manding cultivators they met in their travels.

The Manding and Niger-Congo speakers appear to have early cultivated both millet and yams. The close relationship between the terms for millet and yams suggests that this domestication may have taken place as early as 4850 BC in the Hoggar (Camps, 1974). As a result there is much agreement within the Mande family in relation to the name for millet/sorghum. But there are great differences in the term for yam. As a result, it

would appear that the Southeastern Mande groups only recently began to cultivate yams.

The PM speakers clearly were influenced by the post-Palaeolithic complexes of the Hoggar and the Maghrib as evidenced by North African influences in West Africa (Andah, 1981). The PM speakers may have used the Western Mediterranean ware. This ware was derived from Western Saharan styles. In general, except for slight variations, there was a general cohesion between Saharo-Sudanese styles (McCall, 1971: 38).

William Welmers (1968), has suggested a date of 3000 BC or earlier for the separation of the Mande into Northern Western (NW) and Southeastern (SE). The Proto-Mande homelands were more than likely the Hoggar and Tibesti. From here the Mande spread north into the Fezzan, south into Iforas and Westward into the Maghrib. The Northern Mande occupied an area extending from the Fezzan in the east, to Morocco in the west. The Southeastern branches were more than likely established in the Air.

The presence of Proto-Northern Mande speakers in North Africa would explain the North African elements found by archaeologists in West Africa. The Soninke were the Mande group furthestmost north and west of the original Proto-Mande homeland in the Hoggar. This would explain the archaic features in the Soninke languages.

The presence of Soninke speakers in the Maghrib would explain the evidence of Soninke speaking groups such as the Azer, migrating southward from parts of North Africa into West Africa, rather than from an eastern direction as in the case of the Malinke-Bambara-Dyula (Manding) complex.

By 2500 BC, the Proto-Northern Mande (PNM) was probably separated into two groups. Most of the Soninke may have been spread from the northern part of the Hoggar into southern Morocco and Mauritania. The Manding speakers probably lived south of the Soninke in the Hoggar and north in the Fezzan. The Southeastern Mande were established in the Air.

There was a reintroduction of arid conditions in the Sahara after 2500 BC (McIntosh & McIntosh, 1981: 602-606). This forced the Soninke in marginal areas in the Sahara to separate from the Manding in the Hoggar and join the Azer, who were probably already in southwestern Mauretania. Soninke speaking populations of farmers and cattle herders were in Dar Tichitt 3850±250 to 2170±105 BP (Holl, 1985). The Bozo on

the other hand, remained with the Manding. Outside of the Azer, the main Soninke branch occupied the Arawan neolithic.

It would appear that some Vai and Susu speakers migrated with the Soninke. But it seems that by 1000 BC, the Vai had separated from the Soninke and were moving towards their present homeland. This helped the Vai to retain many lexical elements which agree very closely to the Manding lexicon.

The separation of the Vai and Susu from the Soninke probably occurred within the area of the Arawan neolithic. The Vai probably followed the ancient Joliba river to their present homeland.

The closeness of the Susu and Soninke languages indicate that they split away from the Soninke speakers much later than the Vai. But we don't believe that the ancestors of the Susu were as far north as Tichitt. Today the Susu reside in Guinea, the Western Sudan and along the northern border of Sierra Leone.

Most of the Sahelian and Sudanic zones were uninhabited before 2500 BC. Thus the earliest Soninke cattle herding sites were in southern Morocco and Mauritania (Andah, 1981). The Soninke speakers probably founded the site of Dar Tichitt (Munson, 1976).

By 1500 BC, there were widespread Soninke settlements in Tichitt. Here the Soninke collected/cultivated millet. Due to the trends towards desertification in Tichitt, the Soninke began to spend more time establishing civic granaries and millet cultivation.

The Tichitt ceramics resemble those of the Soninke people. Moreover an Azer population is still found in the Tichitt area.

It was during this period of desertification that an agro-pastoral socioeconomic system became firmly established among the Soninke speakers. The livestock herders herded cattle and sheep/goats. The farmers cultivated bulrush millet (Holl, 1985: 88).

Between 600-300 BC, the Tichitt people began to build smaller towns situated in heavily fortified natural rock formations. This suggests that the inhabitants of the towns during this period were building their homes in areas which were easy to defend and offered natural fortification. There was probably increased tension in the Western Sahara at this time due to the rapid decline in the lifestyle of the Proto-Mande as the desert began to claim more and more of the Sahara.

The Manding speakers and the Bozo probably began their major migrations out of the Hoggar southward into the Iforas between 2000-1500 BC with their cattle, yam and millet. But a considerable number of Manding remained in the Fezzan (Winters, 1983a).

The Manding were probably very prominent in the Tilemsi Valley, until after 500 BC, when the SE Mande speakers began their southward migrations toward the Atlantic from the Air. The SE migration from the Air, between 500 BC and AD 500 made the Proto-Manding much more compact.

It was in the Tilemsi Valley that the Karkarichinkat site was first occupied by Manding herder-fisher-collectors of a Saharan material culture (McIntosh & McIntosh, 1981: 608). The Karkarichinkat sites were occupied between 2000-130 BC. The Manding were probably dominant at Karkarichinkat north, where herding and plant cultivation was heavily practiced (Andah, 1981: 602). The Bozo, due to their interest in fishing may have been settled at Karkarichinkat south. These sites were fishing camps (Andah, 1981: 601).

In ancient times the Manding followed river systems which formerly ran into the Sahara, to migrate southward in the direction of the Niger Delta. Due to the Manding interest in animal husbandry they more than likely settled large tracts of land near rivers on mounds to avoid sickness. It is very likely that the Bozo, then, as today, were masters of navigation along first the ancient Kworra river and later the Niger. In ancient times the latter was part of the Kworra, which is now dried up.

The Inland Niger Delta was uninhabited before the last part of the first millennium BC (McIntosh & McIntosh, 1983). Consequently the Manding probably settled areas west of the Niger Delta, between 1000-500 BC.

This movement of the Manding southwestward of the Tilemsi valley in the direction of the Atlantic and Gulf of Guinea led to the Manding meeting with the Vai, who had by then separated from the Soninke.

The Vai were probably Manding speakers until their language was influenced by the Soninke. The Vai were in contact with the Soninke during the Arawan Neolithic, and probably migrated southward and established habitation sites along the ancient Joliba river. The Joliba river which no longer exists rose in the mountains near Sierra Leone and emptied in the Sahara.

Since the Manding were unable to move quickly into the Niger Delta, from the Tilemsi Valley, they went west and established the Manden Homeland. Although this population was Malinke they were still intimately involved with the Bambara. This movement of the Malinke forced the Vai and Susu further south to the eastern highlands, while the Manding occupied much of the rest of West Africa from the mouth of the Gambia to the fringes of Mali and Ghana.

The uninhabitable nature of the Niger Bend until after 500 BC, means that the Mande spread into West Africa from the southern Sahara not the Niger Basin. According to McIntosh and McIntosh (1983: 39-42), the inland Niger Delta was probably inaccessible by boat and/or uninhabited because of the presence of diseases detrimental to cattle and humans until the last part of the last millennium BC. But by 500 BC, the Manding and Bozo began to enter the Niger Delta. These Manding speakers continued the Saharan tradition in the Niger Delta.

The early artifacts from the Niger area support a Saharan origin for the Manding of the Niger Delta. The bowl designs from the Niger Delta dating to 250 BC, are analogous to pottery styles from the southern Sahara dating to between 2000-500 BC (McIntosh & McIntosh, 1979: 246).

The early Manding of the Niger Delta were probably mainly pastoralists and fishermen. It is believed that millet cultivation was not introduced to the Inland Niger Delta until the first millennium AD (McIntosh & McIntosh, 1979). Due to the Sahara's ecological decline after 2000 BC, the Upper Niger replaced the Hoggar and Fezzan as the Manding hearthland.

The Manding in the Fezzan were called Garamantes (Winters, 1983a). The Garamantes lived in the Fezzan in the fertile valley between the Ubari Erg and the Erg of Murzuq in oases spread from al-Abiod to Tin Abunda. The latest capital of the Garamantes was located at Jerma (Winters, 1983b: 210).

According to Robert Graves (1955: 33), the Garamantes left the Fezzan and settled the southbank of the Upper Niger after they were subdued by the Lemta Berbers in the 2nd century AD.

The presence of Mande communities in Mauritania and the Fezzan would explain the routes that transverse the desert and end at the Niger bend. These routes suggest communication and trade between the Mande groups in northwest Africa, the

Fezzan and the Niger bend. But it would appear that by the mid-first millennium AD, all the Manding had left the Fezzan.

In conclusion, the hypothesis that the Proto-Mande homeland was in the Niger Basin can be challenged on the basis of the archaeological and linguistic evidence. The research of McIntosh and McIntosh (1979, 1983), supports the view that the Proto-Mande homeland could not have been located in the Niger region before 500 BC, because of the rampant diseases in the area before this date.

The hypothesis that the original homeland of the Mande was in the Sahara would explain their migration routes into the Niger Basin and West Africa in general. The distribution of the Mande dialects was apparently the result of the movement of Mande speakers from the East to the West, and North to South from an original homeland in the Hoggar. This hypothetical migratory route for the Mande is supported by the diffusion of Saharan pottery styles dating from between 2000-500 BC, from the southern Sahara to the Niger Delta.

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KINGSHIP IN *BEOWULF* AND THE *NIBELUNGENLIED*

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Beowulf and the *Nibelungenlied* are separated by some five centuries, and the author discerns evidence of an evolution in Germanic kingship during this period. The *Beowulf* poem portrays a system of pre-feudal kingship, while the *Nibelungenlied* reveals a more complex system of protofeudal kingship.

Both the *Nibelungenlied* and *Beowulf* teem with kings and sovereign rulers; thirty are mentioned by name, (1) and more are referred to by the names of the peoples they rule. Most of the kings, admittedly, do not play any major parts in the two epics, but few kings are introduced without at least a brief description of some aspects of their rule or personality so that some information concerning concepts of kingship can be gleaned by taking even such briefly mentioned kings as Dancrat, Offa, or Beowulf the Dane into consideration. Although a large number of these thirty named kings can be identified with historical figures, the question whether the epic portrayal of any historical king matches the reality of his role in history, lies outside the scope of this paper which is concerned with the depiction of the *concepts* of kingship as they remained the same or changed in the course of the almost five centuries which lie between the composition of *Beowulf* and the *Nibelungenlied*. Since both epics have similar cultural roots in their common Germanic background, a comparison of the functional realities of kingship in the two works will be all the more revealing as regards the developments in their outlook concerning issues such as the requirements for being king, the characteristic qualities of a good king, and the power and limitations of a king.

The contention is that in the nearly five hundred years between the composition of *Beowulf* and that of the *Nibelungenlied* some aspects of kingship remained the same while others were in the process of undergoing considerable changes largely dependent upon alterations in the political structure of Germanic society after the end of the age of conquest and due to the subsequent institutionalisation of society in a feudal state.

(1) I have included Brünhild as queen of Islant in this number since she is described as an independent ruler, but do not count Hrothulf whose kingship does not become fact within the time frame of *Beowulf*.

Since kingship is a concept embracing a complex system of ideas, it is best approached by way of its constituting elements which would include bases for authority and power, leadership of a nation in peace and war, the relationship between ruler and subjects, and the relationship between king and state. These issues will partly be examined in pairs of opposites, e.g. kingship versus heroism, royal authority versus the power of individual subjects, and the kingdom as private property versus the kingdom as administered by the king as head of state. While the discussion of these and related elements will center on the key royal characters in the two epics, some of the less important kings, exemplifying individual virtues and vices, will serve as touchstones.

One of the most conspicuous characteristics of a good ruler, praised throughout both epics, is open-handedness. The giving of gifts is often connected with rewarding warriors and messengers for their services, as for instance Hrothgar's bestowal of horses, armour and the splendid banner on Beowulf after the Grendel fight (11. 1020-48a) or Gunther's handing out of *botenbrôt* to Etzel's messengers Wärbel and Swemmel (st. 1487).⁽²⁾ The function of this generosity is chiefly to reward a particular deed or service, though the value of the gift also enhances the giver's prestige. This secondary function comes to the fore when Gunther shows his largesse to Luideger's and Luidegast's emissaries (st. 164) who bring by no means welcome news: in this case the distribution of *botenmiete* serves solely to increase Gunther's reputation as a generous and powerful king who can afford to treat well even those who bring a declaration of war. Generous gift-giving, however, is also assumed to promote and secure the loyalty of the *comitatus* which is especially relevant in the pre-feudal society of *Beowulf* where the followers are not yet vassals and are not endowed with life-term fiefs, so that the king's liberality in anticipation of his followers' future military support stands in lieu of such permanent bonds. "Der Königsschatz galt," as Sylvia Konecny observes, "bei den frühmittelalterlichen, germanischen Staaten als erste Grundlage von Macht und Einfluss, gewährleistete er doch einer gefolgschaftlich organisierten Herrschaft vor Ausbildung

(2) Quotations are taken from, and line stanza numbers refer to: *Das Nibelungenlied*, ed. Karl Bartsch, 13th edn. rev. by Helmut de Boor (Wiesbaden: Brockhaus, 1956); and *Beowulf and The Fight at Finnsburg*, ed. Fr. Klaeber, 3rd edn. (Lexington, Massachusetts: Heath, 1950).

des Lehensstaates mehr als alles andere Anhängerschaft.”(3) Wiglaf, therefore, takes it for granted that Beowulf’s aim in distributing treasure was to ensure a loyal and reliable following, and he reproaches his comrades for not fulfilling their part of the bargain:

þæt, lā, mæg secgan sē ðe wyle sōð specan,
 þæt se mondryhten, sē ēow ðā māðmas geaf,
 ēoredgeatwe, pē gē pær on standað, —
 þonne hē on ealubence oft gesealde
 healsittendum helm ond byrnan,
 pēoden his pegnum, swylce hē prýdlicost
 ōwer feor oððe nēah findan meahte — ,
 þæt hē gēnunga gūðgewædu
 wrāðe forwurpe, ðā hyne wīg beget . . . (11.2864-72)

However, even in the fully developed feudal society of the *Nibelungenlied*, gift-giving can still serve the same function. Not being in a position to make grants of land or rights and offices, Kriemhild hopes to win supporters by means of her rich presents. That Hagen finds it mandatory to despoil her of the Nibelung hoard, proves how correct Kriemhild’s calculations are, and how much power she might have wielded by using her treasure wisely, that is generously. Similarly, the kings of the Netherlands and Burgundy distribute masses of valuable gifts in connection with the *Schwertleiten* in Xanten and Worms in order to start out on the right footing with the hundreds of newly dubbed knights.

Quite apart from this kind of largesse which is intended to gain the loyal support of followers or to enhance the prestige of the king, treasure can also be given away for the sheer enjoyment of giving pleasure to distinguished followers. Hrothgar’s giving of gifts is sometimes done in this spirit, and it is not difficult to see Hrothgar occasionally reach into his *giftstōl* or throne-cum-treasure-chest simply in order to give joy. Indeed, his very reason for building Heorot is that the hall will provide him and his Danes with a place for sociability, part of which is for Hrothgar the sharing of treasure:

Him on mōð bearn,
 þæt healreced hātan wolde,

(3) Sylvia Konecny, “Das Sozialgefüge am Burgundenhof,” in *Osterreichische Literatur zur Zeit der Babenberger: Vorträge der Lilienfelder Tagung*, ed. Alfred Ebenbauer, Fritz Peter Knapp, and Ingrid Strasser (Vienna: Verlage Karl M. Halosar, 1977), p. 110.

medoærn micel men gewyrcean
 þon[n]e ylðo bearn æfre gefrūnon,
 ond pær on innan eall gedælan
 geongum ond ealdum, swylc him God sealde
 būton folscare ond feorum gumena. (11.67b-73)

Hrothgar's only direct return for this type of liberality is an intangible one – the increase in his *dōm* through being referred to time and again as the *beag-gyfa*, *gold-wine*, *since brytta* etc. Just how great this reward is, however, becomes clear when Hrothgar's position is compared with that of Heremod. The latter's tight-fistedness is seen as one aspect of his tyranny in which neither he himself nor his subjects experience joy. Having been niggardly with the royal treasure, Heremod has only himself to blame when his followers betray him to his enemies (11.902b-906). Although "loyalty to the lord is the primary virtue of retainers," as John Halverson points out, "it is conditional on the lord's liberality."⁽⁴⁾ Thus, royal open-handedness is of paramount importance for the establishment of strong bonds between king and subjects in anticipation of military support in times of war. This reciprocal relationship should ideally strengthen the kingdom against attacks from outside as well as prevent internal crises, thus increasing the might of king and kingdom. Although the necessity of royal gift-giving is much greater in the world of *Beowulf*, liberality remained a primary means for any king to ensure his subjects' loyalty and build his *êre* throughout the world of the *Nibelungenlied*, too.

Another cornerstone of kingship in both *Beowulf* and the *Nibelungenlied* is the king's valor and physical prowess in armed combat which again contributes to his *dōm* or *êre*. In his final self-evaluation, Beowulf claims that he ruled his people for fifty years in which time

næs sē tolccying,
 ymbesittendra ænig ðāra,
 pē mec gūðwinum grētan dorste,
 egesan ðéon. (11.2733b-36a)

In other words, Beowulf was mighty enough as a ruler to preserve the peace since his abilities as a warrior and as a war-leader were proven and known through his two monster fights in Denmark as well as through his participation in the Frisian campaign (11.2354b-68) and the second Swedish war (11.2379b-

(4) John Halverson, "The World of *Beowulf*," *ELH*, 36 (1969), 598.

99a). By establishing himself as a mighty king, he could largely prevent attacks on his kingdom from outside and thus bring peace to his people, thereby enabling it to flourish. When the need arose, Beowulf as king did not refrain from personally leading his men into battle; as John Simpson correctly observes, "apparently it is Beowulf himself who kept enemies, Franks and Frisians, from the Geats While guarding and doing good for his people, the duty of the king, Beowulf still performs *eorlscipe*," as the messenger stresses in the eulogy after Beowulf's death (11.3005-7a).⁽⁵⁾ This strategy of using the personal *dōm* of an outstanding warrior for the benefit of the entire nation is certainly not confined to Beowulf. In his younger days, Hrothgar followed a similar policy. Through good fortune in his early wars, which is no doubt attributable to his abilities as a warrior and commander (11.1039-42), Hrothgar has become a mighty king who is even in his old age still styled a *guðcýning* (1.1969). Having established peace for the Danes, Hrothgar is able to preserve this state until Grendel begins his frightful activities. However, Grendel's attacks occur at a time when Hrothgar is presumably already too old to have any reasonable hope of success in fighting monsters; moreover, the warding off of such incursions from the world of the supernatural would not ordinarily fall within the duties of a king. Hrothgar now has to rely on heroes who might come forward either from among his followers or from overseas. That he was at all able to achieve a state of affairs in which it was possible to go ahead with such peaceful pursuits as the construction of Heorot, the center of the flourishing Danish community, is a sign that Hrothgar was successful in not only establishing peace, but also in preserving it, which entitles him to such kennings as *helm Scyldinga* (11.371, 456), *folces hyrde* (1.610) and *wine Scildunga* (1.2101). He is the guardian and keeper of his people's welfare through the valour and prowess of his younger years and by means of his experience and wisdom, at a time when physical might can no longer be reasonably expected, both might and wisdom contribute to his *dōm* as *folces hyrde*. With Hygelac, the *dōm* built on courage, might and leadership is even more accentuated. L.E. Fast draws attention to the

(5) John Simpson, "Comparative Structural Analysis of Three Ethical Questions in *Beowulf*, the *Nibelungenlied*, and the *Chanson de Roland*," *Journal of Indo-European Studies*, 3 (1975), 245-6.

digression relating to the first Swedish war at Ravenswood where Hygelac's mere arrival on the scene is sufficient to cause Ongentheow to lose confidence and to retreat (11.2953b-57a).(6)

For Gunther, Gernot and Giselher, too, prowess is said to be one of the foremost kingly virtues; "kraft unmâzen küene" takes third place after *milte* and high birth in the catalogue of their (positive) characteristics (st. 5: 1-2). Even though this may be a stereotype formula for praise, in view of the three kings' conduct during the fighting in Etzel's hall, it must be conceded that their courage and strength are above average; Gunther is, after all, one of the last two survivors out of more than a thousand dauntless warriors.(7) Nevertheless, not the royal brothers, but Hagen appears to be the most feared in the Burgundian party. When Irinc and later Wolfhart die, both of them caution their comrades not to engage in combat with Hagen (stt.2068:4, 2301:3) even though Wolfhart does not even fall by Hagen's, but by Giselher's sword, and Gunther is still alive; thus, Gunther, although a powerful fighter, is obviously regarded as inferior in strength to one of his own men.(8) However, from Gunther's perspective prowess is only one of several royal virtues, and although courage, strength and martial skill are useful accomplishments, they are not of top importance for a Burgundian king.

This view stands in stark contrast to Siegfried's original *Weltanschauung* in which only the strongest warrior has a right to be king. Thus, Siegfried holds his kingdom of Nibelunglant solely by right of conquest as opposed to inheritance or popular acclaim. Not content with having shown his superiority in this realm once, Siegfried voluntarily fights for it again when he comes to recruit troops in support of Gunther's Islant venture. As before, Siegfried proves to be mightier than the strongest of his Nibelung subjects. Apparently, young Siegfried finds nothing wrong with obtaining other kings' realms by simple conquest. When he boasts in Xanten that he may have to "ertwingen beide lîut ûnde lant" (st.55:4) in case the Burgun-

(6) Lawrence E. Fast, "Hygelac: A Centripetal Force in *Beowulf*," *Annuaire Mediaevale*, 12 (1971), 97.

(7) This number includes only the fully equipped knights; the total number of participants in the *hoveart* would also include, among others, the 9000 pages later slain by Blodel's men.

(8) See also Helmut K. Krause, "Zur Darstellung des Todes im *Nibelungenlied*," *Neophilologus*, 61 (1977), 249.

dian rulers do not comply with his marital plans regarding their sister, Siegfried's father's only objection is that Gunther and his men may turn out to be too strong for Siegfried to remain unscathed; as regards the legitimacy of his son's undertaking, Siegmund has not the slightest scruples. Gunther, on the other hand, is rather stunned by Siegfried's challenge to engage in single combat with both their patrimonies as the winner's prize. Gunther cannot see any point in fighting for a kingdom which he has rightfully inherited or for another in which he had no interest until then, and it is not for lack of valour that Gunther does not immediately call for his horse and armor, as A.T. Hatto implies in his description of Gunther as "a king in name but in little else."⁽⁹⁾ It is, of course, true that Gunther leaves it to Gernot to appease Siegfried's temper, but there is no absolute necessity for Gunther to involve himself with a young hothead who – by Burgundian standards – is clearly unjustified in challenging Gunther on such unreasonable terms. When Gunther finally responds, after Siegfried has calmed down, he invites Siegfried in phrases of extreme courtliness to enjoy his hospitality. Although this ceremonial welcome sounds to R. Wisniewski's ears "nach diesen Auseinandersetzungen fast wie eine Unterwerfung,"⁽¹⁰⁾ it is more than doubtful whether Gunther really means to share Burgundy with Siegfried, let alone subject the whole to him, when he says

allez daz wir hân,
geruochet irs nâch êren, daz sî iu undertân,
und sî mit iu geteilet lîp ûnde guot. (st.127:1-3)

On the contrary, Gunther invites Siegfried to make himself at home in Worms, the implication being that he is welcome as a guest who will be honored because of his *êre* as king of the Nibelungs, as slayer of a dragon, and as heir-apparent to the throne of the Netherlands, but one who must realize that he is no more than a guest with Gunther as his generous host. The possibility of a violent clash is thus averted and the aggressor is integrated into the polite society of the court at Worms where it is no longer necessary for a king to prove himself to be the most powerful warrior. Siegfried's conception of a king as a

(9) A.T. Hatto, "An Introduction to a Second Reading," in his translation *The Nibelungenlied* (Harmondsworth: Penguin, rev. edn. 1969), 324.

(10) Roswitha Wisniewski, "Das Versagen des Königs: Zur Interpretation des *Nibelungenliedes*," in *Festschrift für Ingeborg Schröbler zum 65. Geburtstag*, ed. Dietrich Schmidtke and Helga Schüppert (Tübingen: Max Niemeyer, 1973), p. 172.

folces helm who has to be strong, brave and skillful in battle, because otherwise his people and territory would be an easy target for any potential attacker, is more akin to the notions of kingship prevailing in the world of *Beowulf* than to those current in the Burgundian court, where the king's personal prowess is no longer a *conditio sine qua non* for a stable rule.

Siegfried finds, however, a suitable match in Dietrich, who evidently shares Siegfried's view of the importance of personal prowess since he refers to himself as a "künec hêre, vil gewaltic unde rîch" (st.2319:4) despite the fact that he has no realm of his own, only the few followers who went with him into exile. As Fritz Kern succinctly states, "Zur Eignung der Herrscher gehörte, besonders bei drohender Feindesgefahr, aber auch sonst im germanischen Staat, die Fähigkeit, Feldherr zu sein," wherefore an heir-presumptive could not assume the throne unless he had proved his suitability.⁽¹¹⁾ This is exactly what Siegfried means when he proudly tells the Burgundians of his desire to have it said about him "daz ich habe von rehte liute unde lant" (st.109:3). Gernot, of course, can also legitimately claim for himself and his brothers that "wir haben rîchiu lant, / diu dienen uns von rehte, ze niemen sint sie baz bewant" (st.115:3-4), though their right rests exclusively in having inherited the kingdom from their father Dancrat "der in diu erbe liez / sît nâch sîme lebene" (st.7:2-3); the compulsion to defend or even enlarge his heritage personally does not exist for Gernot and his royal brothers (st.115:1-3a). Although succession by inheritance alone is, of course, an unrealistic notion in the context of the German High Middle Ages where even a designation had to be followed by election, and where the simultaneous succession of all sons had been superseded by either primogeniture and porphyrogeniture, what is important for Gunther, Gernot and Giselher — in contrast to Siegfried — is that martial powers are no longer a prerequisite on which the suitability and hence the eligibility for kingship depend; that Gernot does in fact distinguish himself as a worthy warrior in the Saxon war (st.200) is of no more than marginal relevance for the legitimacy of his co-kingship, though it certainly increases his *êre*.

A third essential positive characteristic of the successful

(11) Fritz Kern, *Gottesgnadentum und Widerstandsreich im Früheren Mittelalter: Zur Entwicklungsgeschichte der Monarchie*, 2nd edn. (Darmstadt: Wissenschaftliche Buchgesellschaft, 1954), p. 248.

ruler in both epics is wisdom which Schücking outlines as the ability to “*praesentia ordinare, futura praevidere, praeterita recordari*,” (12) in other words, shrewd observation of events and a wide range of experience provide the groundwork for accurate conclusions. Furthermore, an ability to estimate the future results of present decisions, together with insight into human nature, a thorough knowledge of national laws and customs, and the ability to apply them to any given situation, are invaluable qualities in a king who seeks to advance the welfare of his kingdom. (13) Unfortunately, few kings in the two works possess or acquire this faculty to a satisfactory degree and it is therefore hardly surprising that most of the major kings in both epics fall prey to disasters of their own making.

A notable exception to this rule is Hrothgar. He has the prudence not to engage personally in a fight with Grendel when he obviously has no good reason to be confident of his success; for, firstly, although he had been a powerful *guðcýning*, he had apparently never possessed the extraordinary powers of a Beowulf and, secondly, Hrothgar is no longer in full possession of even that strength when Grendel's raids begin. Once the danger is known, the Danish community loses, after the initial onslaught, only the lives of those who volunteer to measure their strength with that of Grendel, and although the vacating of the hall at nightfall may not look particularly heroic, it is the best solution in the absence of other alternatives; as Leyerle puts it, “Hroðgar's restraint in avoiding battle with Grendel was the prudent choice of a lesser evil.” (14) Thus, the king can continue to guide his people through the ordinary perils of the natural world as long as no safe solution for the supernatural problem can be found. Hrothgar's judgement is sound. Hence it is high praise indeed when this sage old patriarch commends young Beowulf for wisdom to an extent not usually found in men of his years (11.1842b-45a).

Wise in his youth — one might almost say with C.S. Lewis, ‘sententious from the depth of his inexperience’ — and presumably of great discernment during the fifty years of his

(12) Levin L. Schücking, “Das königsideal im *Beowulf*,” *Englische Studien*, 67 (1932/33), 12.

(13) See also Gwyn Jones, *Kings, Beasts and Heroes* (London: O.U.P., 1972), p. 45.

(14) John Leyerle, “Beowulf the Hero and the King,” *Aemium AEvum*, 34 (1965), 92.

reign, Beowulf's capacity for sober judgement is, however, sadly amiss in the final test. Faced in his advanced age with a dilemma similar to Hrothgar's, Beowulf could have done with greater perspicacity, especially since the situation here is even more problematic than Hrothgar's because the dragon threatens to destroy the entire Geatish community at once, while Grendel harmed only those who were foolhardy enough to offer their limited opposition to his nocturnal raids. Beowulf, unlike Hrothgar, has no choice but to act in order to prevent the annihilation of his entire people. For all we know, Beowulf is the only man among the Geats who has any experience in monster-fighting, and it is therefore plausible that he should become personally involved in the encounter with the dragon. However, it is not self-evident that his brave decision to face the enemy in single combat is a wise one, and as it turns out the assistance of Wiglaf is in fact needed to overcome this formidable foe. Thus, Beowulf's decision to act personally is based on a sound evaluation of the situation as it presents itself, but when he opts for a one-to-one encounter, his heroism and his desire for *lof* blind him to the consequences which his death will have for his people.⁽¹⁵⁾ After the fact, Wiglaf reproaches Beowulf for rashness, but his words are not entirely just :

Oft sceall eorl monig ānes willan
 wræc ādrēogan, swā ūs geworden is.
 Ne meahton wē gelæran lēofne þēoden,
 rīces hyrde ræd ænigne,
 þæt hē ne grētte goldweard þone,
 lēte hyne licgean, þær hē longe wæs,
 wīcum wunian oð woruldende . . . (11.3077-83)

Beowulf must fight the dragon to save the Geats; as it happens, there is also gold to be had, but winning the dragon's hoard is by no means Beowulf's primary reason for hazarding his life. Despite his wish to see some of the treasure before he dies, avarice is not a fault with which Beowulf can justly be charged;⁽¹⁶⁾ only the first part of Wiglaf's speech truly holds

(15) In retrospect, however, Beowulf's decision for single combat with his people's oppressor seems justified: all but one of the chosen followers take to their heels as soon as the dragon appears. Cp. Kemp Malone, "Beowulf the Headstrong," *Anglo-Saxon England*, 1 (1972), 143.

(16) Significantly, after his under-water victory over Grendel's Dam, Beowulf has also abstained from taking any of the treasure hoarded at the bottom of the mere, valuing honor in battle more than possession of gold (11.1612-14).

water.

Kemp Malone makes much of Beowulf's precaution not to face the dragon in the confined space of his lair (11.2514b-15), but to challenge him by battle-cry (11.2550-2a) to emerge from the barrow into the open where the dragon's fiery talents will not be quite so dangerous to the challenger. (17) Although this is certainly a sign of discriminating judgement, it would have been even more prudent — though less heroic — not to rely on his lone strength since Beowulf now has more than his own personal fate to consider. This is particularly true in view of the fact that Beowulf is the last member of the Geatish *stirps regia*, and no provisions for the succession of a new dynasty have apparently been made. It is likely that Wiglaf will be elected as the next king since, firstly, he is Beowulf's only surviving blood-relative (11.2813-4a) and, secondly, he is chosen by Beowulf to order his affairs (11.2802-8) which may amount to a designation; but the matter is by no means clear.

Unlike Beowulf, Hygelac leaves behind an heir in the direct male line when he gets himself killed during his ill-considered campaign in Frisia, but Heardred — being too young at the time of his father's death — has his succession challenged by Hygd whose sentiments are more those of a responsible statesman than an ambitious parent. Moreover, Hygelac could not be certain that Beowulf would survive the disaster in Frisia to be regent during Heardred's minority. Had the Frisian war been provoked by a Frisian attack on Geatish territory or settlements, Hygelac's personal leadership of the Geatish war-band would have been fully acceptable; but an unnecessary invasion of foreign lands with little hope of a successful retreat in case of adversity can only be interpreted as an exhibition of rashness and as a lack of acumen, even though, had it been successful, the campaign would certainly have added considerably to Hygelac's *dōm*.

In the *Nibelungenlied*, the major male royal figures show even less discernment when it matters most and — consequently — affairs develop completely out of their control. Wisdom here falls victim to a number of inadequacies and iniquities. With Siegfried it is *übermuot* which ultimately leads him to his death. His initial challenge on his arrival in Worms angers Hagen sufficiently to make this powerful man Siegfried's enemy; next

(17) Kemp Malone, "Beowulf the Headstrong," 143.

Siegfried's playing the role of Gunther's vassal in Islant lays the foundation for the quarrel of the queens which is further fueled by Siegfried's most imprudent gift of Brünhild's ring and girdle to Kriemhild, apparently without an accompanying explanation. Although in the Saxon war Siegfried distinguishes himself as an excellent commander and war-leader, which in itself requires the ability to perceive and judge situations quickly and correctly, an equally skillful handling of courtly conventions would have stood Siegfried in good stead.

Gunther, too, could have done with greater discernment. In his wooing journey to Islant he reaches beyond his grasp even though he had been advised of the customs at Isenstein before the final decision to undertake the suit was made. The chain of events leading to the oath scene (stt. 858-60) is set off ultimately by Gunther's ambitious vanity to secure for himself the one woman no other man has been able to subdue. Gunther's purpose in summoning Siegfried to defend himself against the charge of having boasted about intimacies with Brünhild, is to give himself the appearance of publicly clearing Brünhild, Siegfried and himself of all suspicion; instead of succeeding in this endeavor however, he rouses even greater suspicion through his ineptitude in handling the legal proceedings of which he as king ought to be supreme master. (18)

The subsequent developments, culminating in Siegfried's murder and the sinking of the hoard, testify to Gunther's lack of firm authority. Although initially hesitant in both instances, he is rather too easily overruled by his own vassal Hagen who not only has the most wide-ranging experience and knowledge with regard to foreign affairs, but who also possesses the greatest subtlety, cunning and insight into human character. His power at court increases at the same rate as the royal brothers' authority declines. In the scene of Siegfried's arrival Hagen's advice is sought on the formalities of an appropriate greeting because he is the only one of those present who has any knowledge about the visitor and his rank, but when he

(18) Irsula R. Mahlendorf and Frank J. Tobin very fully discuss the formal aspects of the oath-scene in the light of medieval law in their joint article "Legality and Formality in the *Nibelungenlied*," *Monatshefte*, 66 (1974), 225-38, esp. 230-2. It is in this context also relevant to remember that the medieval king was understood not merely as the highest temporal judge, but indeed as the fountain head of justice *per se*. Gunther's handling not only of the proceedings here, but also of the subsequent murder case — especially in view of the clear signs of a *Gottesurteil* in stt. 1043-5 — thus leaves much to be desired.

rebukes Siegfried for his challenge (st. 121), he in turn has to suffer being reproved by Gernot (st.123) for his presumptuous speech.

In contrast, during the planning of the murder and the appropriation of the hoard, the royal brothers no longer offer any effectual opposition. That they even harbor a known murderer who has been tried by ordeal and found guilty, rather than drop him once the deed is done, shows clearly the lords' dependence on their *man*. (19) Hagen can continue to function as counsellor because Gunther and his brothers do not have energy enough to rid themselves of an advisor who may be loyal and may have the power of their state nearest to his heart, but who has also become a dangerous man who is liable to ruin their reputation as *reges iusti*. That Gunther, Gernot and Giselher consult their retainers on important matters is, of course, by no means a blemish on their royalty; medieval kings were not supposed to make their decisions without previously seeking the advice of trusted experienced counsellors. Hrothgar, Beowulf and Hygelac, all consult advisors, though they are not bound by the council's advice. Hagen's advice, in contrast, is heeded to the letter as long as it seems to increase the power of Worms; (20) when Hagen eventually gives his lords very sound advice concerning their journey to Etzel's court, Giselher foolishly reduces the matter to a test of courage (st.1463), thus exhibiting his profound misjudgement of the situation.

Having arrived at Etzel's court and having been warned by Dietrich, the Burgundians realise their naiveté in relying for their security on a reconciliation (st.1115) which they had already violated themselves, but now it is Etzel who is lacking in acumen. He allows Kriemhild's scheme to take its course even though there is sufficient indication that all is not well, as e.g. the Burgundians' going to church in full armor (stt.1858-63), Dietrich's and Rüdiger's withdrawal of their men from the *bûhurt* (stt.1873-4, 1875-6), Volker's killing of a Hun warrior during the tournament (st.1889) and, finally, Hagen's insult concerning Ortlipe (stt.1919-20). Etzel's disregard of these

(19) In contrast, Otto von Wittelsbach was outlawed even though he had done the Welfish party and Otto von Braunschweig a great service by killing the Staufer party's candidate for the throne, Philipp II. von Schwaben, 1208.

(20) Gernot's last-minute opening of the treasure house is done on second thoughts as he finally follows his better instincts; it does, however, not formally reverse the decision to despoil Kriemhild of her *morgengäbe*.

indicators of smouldering enmity cannot be explained by simple reference to his overwhelming joy (stt.1497, 1716) at meeting Kriemhild's relatives and their distinguished retainers; on the contrary, Etzel willfully chooses to ignore these signs because he cannot imagine any possible causes for such seeming misbehavior. Having been misled by Kriemhild during all the years of their marriage about the real state of her feelings towards her brothers and their mighty vassal, Etzel is unsuspecting of her design and of the seriousness of the indicators. Even so, merely to turn a blind eye and hope for the best, is not the wisest choice for a king to make in the face of manifest signs of deep hostility. This failure to read the signs of brewing disaster is all the more surprising in Etzel who had thus far managed to have his followers live together peacefully even though their national and religious backgrounds showed the greatest diversity. Etzel could achieve this feat in part because of his extraordinary degree of tolerance as regards religion and customs (stt.1334-5), of demanding personal loyalty but treating his followers' views with respect and not interfering in their private lives. It requires deep insight into the "ponderables of human nature"(21) to treat such a motley following to everybody's satisfaction. Wisdom, when it is most needed, is thus notable for its absence in Gran as well as in Worms and Xanten, and the consequences of its lack argue all the stronger for the necessity that especially kings as the guardians of their subjects' welfare possess and use it to a more than ordinary degree.

These three qualities — wisdom, liberality and, to a varying extent, prowess — all contribute to a king's reputation at home and abroad, but while they may be sufficient to maintain his position among the members of his own tribe or nation, they are only the minimum requirements for a king to be held in any regard by his equals abroad. Another quality must usually complement these three: The king also has to be a mighty ruler by means of the extent of his territory and — even more importantly — through the power he has over men. Strong kingship needs a groundwork of loyal subjects who may be powerful men themselves, but who — free or unfree — support with their own power the might of their overlord.

Young Beowulf is a classic example of such a subject who is even introduced merely as *Higelāces þegn* (1.194). Beowulf

(21) Gwyn Jones, *Kings, Beasts and Heroes*, p. 45.

identifies himself to the coastguard, too, first of all as *Higelāces heorð-genēat* (1.261), and only 149 lines after his first introduction, when he encounters Wulfgar, does his own name finally become sufficiently important to be mentioned (1.343). L.E. Fast draws attention to the high frequency with which Beowulf is referred to or refers to himself during the cleansing of Heorot as a follower or relative of Hygelac's, thus emphasizing that the whole of this enterprise is performed ultimately in the service of Hygelac's position in as far as Beowulf wishes the honor of his heroic deeds to reflect primarily on his lord through whose liberal bestowal of armor, ship and companions he was placed in a position to accomplish these deeds in the first place;(22) the glory of the *þegn* is thus allowed to increase the reputation of his lord abroad, thereby strengthening the Danes' perception of Hygelac's might.

Similarly, the power of Gunther's retainers is known well enough abroad to cause Siegmund to caution his son to give his plans some serious consideration, at least as far as the *method* of his courtship is concerned (stt.53-4). Especially Hagen is known for his loftiness and respected for his high position at the Burgundian court. In Gran, too, Hagen's fame is known, and the Huns eagerly await his arrival to see the man for themselves. It is a sign of Hagen's power that he together with his brother Dancwart can recruit eighty out of the 1060 best knights to be mustered for the journey (stt.1475, 1647); similarly, Volker the Fiddler brings thirty knights in token of his might (st.1476). Moreover, Hagen and Volker do not just bring their men, but also equip these warriors with robes, armor and horses suitable for the occasion — a sign of the outstanding wealth of Hagen and Volker — while all other knights on this *hoveart-cum-hervart* are furnished with the necessary paraphernalia out of the royal treasure house (st.1474). The two mightiest retainers thus contribute to the might of their lord.

Etzel, too, derives some of his power from the positions of his most elevated liegemen. While wooing Kriemhild for Etzel, Rüdiger describes Etzel's power first of all in terms of the twelve kingdoms which will be subject to her if she becomes Etzel's queen (st.1235). Furthermore, Etzel's retinue in Tula is headed by the lords of twenty-four principalities who recog-

(22) Lawrence E. Fast, "Hygelac: A Centripetal Force in *Beowulf*," 93-5.

nize Etzel as their supreme sovereign (st.1343).⁽²³⁾ This power is great enough to protect the messengers Wärbel and Swemmel (st. 1494) even though they ride without a guard straight through Bavaria which — in the *Nibelungenlied* — is notorious for the frequency with which travellers are ambushed.

The reputation abroad of a king's power is thus a useful and effective tool to protect a kingdom from outside attacks as it does Etzel's, Hrothgar's and Beowulf's; the Burgundian kings' reputation, on the other hand, would still have been capable of further development since, though great enough to cause a word of warning to be spoken in Xanten, it proves to be too weak as a means by itself to prevent the combined Saxon and Danish attack on Burgundian territory.

If the might of the individual followers is one of the supports of a king's power, it also serves to limit that same power; the mightier the retainer, the greater is his influence at court and the weightier his word in council. Both epics regularly mention that the kings seek the advice of their councils before any major decision is made. Occasionally the council overrules the voice of the king as, for instance, in the case of Beowulf's journey to Hrothgar where the poet reports that "Ðone sîðfæt him snotere ceorlas / lȳthwōn lōgon, þeah hē him lēof wære" (11.202-3), even though Hygelac had according to his own words not given his approval (11.1994b-7a). On the other hand, the older Beowulf can disregard the counsel of his advisors as Wiglaf mentions (11.3079-80) when he reports Beowulf's death, and seek out the dragon alone. Hence, the council in *Beowulf*, consisting of the wisest and noblest of the *comitatus*, appears to have a strong voice in the making of decisions, though its advice is not necessarily binding on the king.

The same can be said about the relationship between king and council in the *Nibelungenlied* where all major royal figures are reported to seek the advice of their counsellors before important matters of state are decided. Gunther consults his advisors on how to react to Luideger's and Luidegast's declaration of war (stt.147-51) and, after the Burgundian victory, on the most suitable terms for the peace treaty (stt.313-4). Con-

(23) Even though both 12 and 24 are numbers which — to the medieval mind — had a special significance beyond their actual numerical value, and they may therefore not be intended to be taken literally, they denote in any case the extraordinary power Etzel possesses as overlord over a great number of major lords.

cerning the journey to Islant, Siegfried and Hagen as the closest friends are asked for their opinions (stt.330-1); and the full council of trusted nobles is reported to have given its consent before the invitation to attend the festivities in Worms is issued to Siegfried and Kriemhild (st.737:4), who respond to the invitation only after Siegfried has in turn discussed the matter with his advisors (Stt. 757-60). Concerning Kriemhild's second marriage, royal privy councils are consulted both in Gran and at Worms (stt. 1143-59; 1202:2-1214). Finally, the Burgundian kings act by the advice of the majority of the counsellors when they accept Etzel's invitation to the midsummer festival in Gran (stt.1457:2-1473:1). Apart from these scenes in which the full council of the nobles is consulted and in which the kings act in agreement with their advisors, there are also those scenes at the Burgundian court where the royal brothers pool their opinions with Hagen and his nephew Ortwin of Metz, and which might more fittingly be referred to as conspiracy scenes, namely those concerning the murder of Siegfried and the appropriation of the hoard (stt.865-70; 1107-9 & 1128-40). Both times it is Hagen who instigates Gunther and his brothers to break their faiths, and even when Gunther's interest in Hagen's plan declines, Hagen persists until the wavering kings are fully persuaded to lend their active support or at least not to stand in the way of Hagen's machinations. In these two instances Hagen exploits his position at the Burgundian court as one of the most trusted advisors, which is based on his near kinship with the kings and on his own extensive power as the lord of Troneg.

These two factors alone would, however, not be sufficient to ensure that Gunther would lend a willing ear; an intimate knowledge of Gunther's major weakness, vain-glory, is required for Hagen to be certain not to incur any danger by acquainting his king with his suggestions. If Hagen had not known about this fault of his lord earlier, the Islant venture would have made it plain to him: Gunther hears the news of the maiden-queen overseas whom no one has subdued so far (st.328) and immediately decides (st.329) that this wonderful woman shall be his wife, regardless of the means necessary for the realization of the plan; if Gunther cannot overcome her through his own strength, he will bend the rules of the game, but he will at least appear as if he were the only man who could conquer Brünhild. After this example of Gunther's egotism and willingness to break with

the recognized order, even to the degree of allowing himself to appear as the overlord of a much mightier sovereign, Hagen need have no scruples at suggesting a plan to his king by means of which Gunther can satisfy his desire for glory even further. Although Gunther raises some perfunctory objections to Hagen's scheme to murder Siegfried, the prospect of a potential increase in territory, and the certainty that after Siegfried's death no one will know what happened during Gunther's wedding night, are weighty arguments for Gunther to bear in mind. Having succeeded once in playing on his king's weakness, Hagen's second treachery regarding the treasure is easily made palatable to his lord; in other words, Hagen is the power behind the Burgundian throne, while Gunther — at least outwardly — still retains royal authority. This changes as soon as the Burgundian kings and their retinue set out on their journey to Gran. Once across the Danube, Hagen takes full control: he now acts on his own authority, merely informing the kings after the fact. Hagen's gradual seizure of power is, thus, carefully stage-managed to the extent that Gunther is slowly, but steadily, becoming the mere figure-head of the Burgundian kingdom; it is significant in this context that Hagen finally brings about Gunther's death before he, too, falls prey to Kriemhild's revenge.

Hagen is, however, not the only character in the two epics to encroach upon royal power and authority. The threat of rebellion or usurpation is always present where there is a weak king, and it always originates from a member of the royal kin. The *Beowulf*-poet hints (11.1018b-19 & 1164b-5a) that Hrothulf will eventually seize the Danish throne while Hrethric and Hrothmund are still too young to be effective guardians of the Scyldings. Although Hrothulf's action may be justified by the laws and customs of early medieval Germanic kingdoms, it is evidently not the fate Wealhtheow had in mind for her sons though she appears to be fearing just this (11.1180b-7).⁽²⁴⁾ Beowulf's behavior on being offered the Geatish throne by Hygd (11.2369-72) stands in sharp contrast to Hrothulf's; it underscores his integrity as a retainer and his loyalty to Hygelac's line, even though the assumption of the throne would have been entirely legitimate despite the fact that Beowulf's

(24) On the theoretical right of any male member of the *stirps regia* to succeed to the throne see Fritz Kern, *Gottesgnadentum und Widerstandsrecht*, p. 33; however, Kern also stresses that succession from father to son was rather more usual than succession based on any other degree of kingship (p. 39).

claim by descent through the female line is weaker than Heardred's claim by direct descent from father to son. Beowulf's insistence that Heardred be king of the Geats (11.2373-79a) also contrasts with Onela's rebellion, whose claim to the Scylding kingdom is even less substantial since his elder brother Ohthere is still alive and furthermore has two adult sons. The overmighty member of the highest nobility thus always constitutes a threat to kings and their heirs, and it requires strength in the king and loyalty in the follower for this threat not to become reality.

The appropriation of royal power and authority by a powerful subject finds its direct opposite in Siegfried's voluntary action of placing his power into Gunther's service. Both in the Saxon war and on the journey to Islant, Siegfried serves Gunther for Kriemhild's sake, but his service in Isenstein differs from the previous assistance in as far as Siegfried had during the Saxon campaign obliged Gunther as a friend and potential brother-in-law without, however, touching on his own rank as Gunther's equal; yet, while in Isenstein, Siegfried takes up a position subservient to Gunther, holding Gunther's horse (st.397) and addressing him as "min hêrre" (st.471:1). Although Siegfried assists Gunther in both cases for the sake of Kriemhild, a significant occurrence has taken place between the Saxon war and the Islant venture: Siegfried has avowed his *Minnedienst* (st.304). From Siegfried's point of view his successful leadership in the Saxon campaign served to ingratiate himself to Kriemhild's guardians, besides attracting Kriemhild's attention to himself as a valorous man and worthy suitor; before the journey to Islant is undertaken, Siegfried's *Minnedienst* becomes, however, a genuine service which will be rewarded, if successful, with Kriemhild's hand. Gunther and Siegfried have entered a business contract (stt.333-4) in which both parties agree to the performance of a particular service for a specified payment (st.333:4 *lôn*). Although this new relationship between Gunther and Siegfried does not amount to one of *hêrre* and *man*, it is certainly a step in that direction; once in Isenstein, Siegfried becomes Gunther's man if only to deceive Brunhild. In Isenstein, where only the strongest can be king, Siegfried's subservience to Gunther must mean that Gunther is the stronger of the two; simultaneously, Siegfried's well known strength places Gunther as Siegfried's better into a position of increased respect: If Gunther could overcome

Siegfried, he *must* be an extraordinary suitor for Brünhild's hand. The lie about Siegfried's rank is a convenient means to ease the proceedings at Isenstein; whether it is absolutely necessary for the success of Gunther's suit is another question, since Siegfried, as *man* or as sovereign, needs to assist Gunther in any case if Gunther is to have even the remotest chance of achieving his goal. The fact remains, however, that Siegfried, a sovereign ruler who had previously placed an extraordinary degree of emphasis on the ability of a king to defend his kingship through his own personal prowess, publicly pretends to be another — weaker — king's vassal. Nothing but his love for the most accomplished woman and the necessity to win her by way of *Minnedienst*, which he has come to recognize as the only means acceptable to her surroundings, can reduce the strongest and mightiest man to taking such a step. A comparison of the method of Siegfried's suit with that employed by Etzel even raises the question whether the circumstances and fashion of Siegfried's extreme *Minnedienst* do not belong to the realm of romance rather than that of the epic proper. In any case, contemporary notions of courtly love influence this episode so strongly as to make it very questionable as evidence regarding concepts of kingship unless it is considered as yet another example of Siegfried's *übermuot* conflicting with the royal virtue of wisdom.

Apart from these major elements of kingship, both epics contain passages which suggest the survival of vague notions of the ancient concept of an inherited luckforce even up to the time of the composition of the *Nibelungenlied*. This *Königsheil* or 'special luck of kings' is a hereditary property passed on from generation to generation within the *stirps regia*; its apparent failure among the last members of the Merovingian dynasty was used by Pippin II as a justification for his coup d'état in 751, thus reviving the premigration right of the tribe to depose or even sacrifice a king whose *hamomgja* was no longer intact. (25) In the *Nibelungenlied*, Dietrich assumes that his followers died because his special luck had left him:

'Wie kunde ez sich gefüegen', sprach aber Dietrich,
'daz si alle sint erstoben, die helde lobelîch,

(25) Heinrich Mitteis, *Deutsche Rechtsgeschichte: Ein Studienbuch*, 10th edn. rev. by Heinz Lieberich (Munich & Berlin: Beck'sche Verlagsbuchhandlung, 1966), pp. 21 & 37 *et passim*.

von den strîtmüeden, die doch heten nôt?
 wan durch mîn ungelücke, in wære vremde noch
 der tôt'
 (st.2320)

Young Beowulf, as a member of the Geatish *stirps regia*, is amply endowed with this luckforce. His *mægen* is frequently referred to as a divinely bestowed favor (e.g. 11.670, 1270-71, 1716-18) which exalts Beowulf over ordinary men. He is also 'blessed with victory' (*sigor-ēadig*, 11. 1311, 2352), i.e. he possesses the special luck which is necessary to ensure victory and peace for the tribe. Beowulf is in the full possession of this luck granted by a deity, while Dietrich's luck is understood to have been withdrawn by the same power. However, both the acknowledgement of its presence and that of its absence argue that the notion of its necessity is current in both works.

Most of the elements of good and bad kingship thus have changed little from *Beowulf* to the *Nibelungenlied*: liberality, sound judgement, power, and inherited luckforce are still important factors. What has, however, altered is the degree of emphasis placed on the personal prowess of the king — and this change is crucial. In *Beowulf* every king must have a high degree of personal prowess since it is the king himself who leads his war-band into battle; he fights in the forefront of his men, and unless he is a highly capable warrior and commander, his men are not likely to gain the victory. The kings in *Beowulf* are still guarantors of their tribes' good fortune. In the *Nibelungenlied* this has changed in part. Without running the danger of being considered presumptuous by his lords, Ortwin can offer to take Gunther's place in the single combat with Siegfried; and Siegfried replaces Gunther in the leadership of the Burgundian troops against Luideger and Luidegast. The performance of deeds requiring prowess can thus be delegated to deputies who possess the necessary abilities in a higher degree than the king, and through whom he can act in the particular case by proxy. Whereas the fate of the Geats is directly dependent on the fate of Beowulf, Gunther's connection with the Burgundian kingdom is less personal and intimate. In Worms, the transition has already begun towards the king as head of state rather than the king as personal, heroic guardian of the people.

A whole string of related events contributes to this development: Firstly, Beowulf is set in the midst of the age of conquest, and even at the time of the poem's composition, this era

had by no means come to its end. (26) The kings in *Beowulf* are therefore still war-leaders. With the end of the age of migration the second phase in the development sets in, which is reflected in the kingdoms of Brünhild and Siegfried. These are realms belonging to the age of, in which the Germanic nations have established themselves in their new territories, but still have to defend them against invaders (st.43) such as the Vikings; it is significant in this context, that both Islant and Niderlant are much closer to the sea than the Burgundian kingdom, thus being more nearly related to the areas suffering most under the Viking invasions. Islant and Niderlant are already developing the rudiments of a feudal system, but young Siegfried still has to prove his eligibility as future king, and has to renew, not just confirm, the fiefs and rights of each of his vassals. The relationship between king and subjects still appears to be more direct in Xanten than in Worms, thus occupying a position midway between Hrothgar's sociability in Heorot and the highly formalized society in Worms. (27) The third step in the development to the fully institutionalized feudal state is already completed in Worms. Gunther is the head of a feudal pyramid which appears to have a more intricate internal structure than that in Niderlant. In contrast to Siegfried, Gunther as the head of his state can afford to have deputies act for him without any infringement of his royalty while Siegfried's ability to take care of any given situation himself is still vital to his kingship, representing in this respect, too, a middle stage in the development from *Beowulf* to Gunther.

During the nearly five hundred years between the composition of *Beowulf* and of the *Nibelungenlied*, certain aspects of kingship thus remained almost unaltered so far as we may tell from the literary evidence provided by these two epic masterpieces. The most crucial change to have taken place during these centuries, however, is the gradual decline in importance of personal prowess as a preeminent qualification for successful kingship. This development goes hand in hand with changes in

(26) The age of conquest is here understood as stretching from the Hunnish invasion (375) to the Lombard settlement in northern Italy (568), and continuing until the founding of the Norman states around 1100.

(27) On the individualized bearers of feudal offices at Gunther's court see Marianne Wahl Armstrong, *Rolle und Charakter: Studien zur Menschendarstellung im Nibelungenlied* (Göppingen: Kümmerle, 1979), pp. 34-5 *et passim*; while there is a whole list of Burgundian office bearers, no mention is made in the *Nibelungenlied* of office holders in Xanten.

the political circumstances, and it is realized in varying degrees of completeness in the later epic. While *Beowulf* represents throughout a uniform concept of kingship, the *Nibelungenlied* shows a diversity of notions concerning the ideal king, and it is the repeated clash between the various concepts which is ultimately responsible for the first few links in the chain of events which, gathering momentum, eventually sweep the entire cast of heroes towards climactic disaster.

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BOOK REVIEWS

MANDAK REALITIES: PERSON AND POWER IN CENTRAL NEW IRELAND

Brenda Johnson Clay

Rutgers University Press, New Brunswick, New Jersey

Mandak Realities examines aspects of both the daily and ceremonial life of the Northern Mandak peoples of central New Ireland, Papua New Guinea. Clay focuses on the concepts of personhood, gender, causality, and power and on the general patterns of life in Pinikindu Village. Mandak cultural concepts of "persons" and "power" emerge as the important analytic considerations for an understanding of the social dynamics of Manda society.

Relational and autonomous aspects of Mandak personhood are vital to motivations, choices, and social interactions. Gender images and the Mandak conceptualization of the "big man" influence shared notions about persons. The well-known Melanesian personage of the "big man" is presented not only in his more public ceremonial roles, but also in daily interactions in hamlets and gardens and in behavioral patterns often at odds with those of formal feasting. Shared perceptions about persons, gender, and power inform the needs of individual lives. We see, for example, how a woman can "buy" a man's house, yet remain subordinate to men in political interactions.

Clay details and analyzes elements of the *elokpanga*, the large-scale Mandak mortuary feast, discussing this ceremony in terms of decisions about food production, exchanges of pigs and wealth, and dances and rituals.

Clay concludes by reviewing social and cultural life, changing patterns of male interdependence, and new demands for village cooperation in Pinikindu Village since World War II. The interrelationships between person, power, and social dynamics in Pinikindu are also compared to a Barok village to the south. This work makes an important contribution to the ethnography of Melanesia as it enriches our understanding of cultural concepts about "persons."

THE PLIGHT OF A SORCERER

Georges Dumézil

University of California Press, Berkeley, New York, Los Angeles, London

This, the second section of *Mythe et épopée* II, Georges Dumézil's outstanding work on Indo-European myth and folklore, reconstructs another prototypical figure in the gallery of epic types: the Sorcerer. In ancient mythical societies a culture hero needed access to magic, either personally or by command, because he was ideally expected to control or banish old age and death.

The Plight of a Sorcerer compares two such manipulators of age and dying — the wealthy sorcerer Kāyva Uśanas of ancient India, who partly controls the demons and keeps them by his wizardry from being decimated at the gods' hands and Kay Ūs, his near namesake of Iranian legend, who is both the conqueror and the dupe of demons. Dumézil finds many precise parallels between the two, and in fashioning the prototypical Indo-Iranian priest-magician called *kavi* ("seer, sage," in Sanskrit, become a royal title in Iran), he resolves two important but contentious points of Indic and Iranian studies. These have to do with the unity of Vedic and Avestan mythology and later epic mythology as well, and with the mythical origin of the Iranian Kavi dynasty. Joining the Warrior who serves as a hapless pawn in a game of gods and the King validated by virgins, the Sorcerer in uneasy league with demons takes his place as one of three epic types brilliantly unearthed by Georges Dumézil.

NO SENSE OF PLACE: THE IMPACT OF ELECTRONIC MEDIA ON SOCIAL BEHAVIOR

Joshua Meyrowitz

Oxford University Press, New York

Television has modified traditional culture dramatically, diluted childhood, profoundly influenced politics, fostered social realignment, and generally tended to break down local cultural identity. These are a few of the conclusions in *No Sense of Place* by Joshua Meyrowitz.

Two decades ago, Marshall McLuhan claimed that electronic media — specifically television — would trigger massive social

changes, but McLuhan did not detail how that would happen. In his long-awaited book, *No Sense of Place: The Impact of Electronic Media on Social Behavior*, Meyrowitz charts the process by which those who control the electronic media have been able to remold the very foundations of human social behaviour in our time.

Meyrowitz, Associate Professor of Communications at the University of New Hampshire, draws on the work of Erving Goffman and other sociologists, who have long noted that people behave differently in different, fact-to-face interactions. Meyrowitz describes how regardless of any deliberate social engineering intentions of the programmer, electronic media change our "sense of place" as they create new social situations that are no longer dependent on physical presence or location.

To millions in the "home viewing audience," television has revealed formerly unconsidered or shunned concepts. Programs such as "Entertainment Tonight" and "Lives of the Rich and Famous" promise to show us the "true stories" of the stars, often augmented with "celebrity" interviews from their own homes, thereby setting up an almost totally new (possibly largely deceptive and imaginative) set of idols and standards for large sections of the public.

The new media, Meyrowitz shows us, affect social roles by changing "who knows what about whom," and by altering the boundaries of social arenas. Meyrowitz shows how electronic media have affected large segments of the population by removing many of the traditional restrictions on access to selected information, regardless of physical location or educational level.

Especially children's view of the adult world and of parents was radicalized in the 1950s when "Father Knows Best" — even with its highly traditional content — suggested to children in the TV viewing audience "the existence of adult weaknesses and doubts." They learned, episode after episode, what Meyrowitz called "the secret of secrecy": Parents behave differently in front of children than in front of each other. Thus, children of the first TV generation grew up questioning the legitimacy of parental authority. Unlike books, in which information can be made harder or easier to reach through levels of reading difficulty, TV reduces the status of parents in the eyes of their children.

Television has also fostered the rise of hundreds of "minor-

ities" — people who, now perceiving a wider world, begin to see themselves as isolated in some pocket of it. Glimpses of how the prosperous are supposed to live may leave large segments of the community dissatisfied with their own status and role.

No Sense of Place traces the changing nature of place, information, family, and self. Formerly private space is now invaded by sight and sound; public arenas are made private by Sony "Walkmen." Meyrowitz notes that "places that were once very different are now more similar because nearly every place has a television set, radio, and telephone."

HOW NATIVES THINK

*Lucien Lévy-Bruhl, translation by Lilian A. Clarke,
Introduction by C. Scott Littleton
Princeton University, Press, Princeton, New Jersey*

Lévy-Bruhl's belief that the peoples of simpler cultures reason in a primitive, prelogical fashion has been consistently attacked by anthropologists and social psychologists, including Malinowski, Boas, Radin and Lowie, but has been defended by Evans Pritchard, Rodney Needham and Jan de Vries. In his important introduction to this new translation of *How Natives Think*, C. Scott Littleton joins the lists as a defender of Lévy-Bruhl, showing how many of Lévy-Bruhl's detractors failed to read his works carefully, and were consequently guilty of sweeping misinterpretations. Thus Scott Littleton says:

A devoted follower of Boas, Radin was thoroughly committed to the cause of cultural relativity and the concomitant notion that there are no fundamental racial or ethnic differences when it comes to the way the mind works. That is, human beings everywhere are capable of rational thought; we may question the *premises* upon which primitives and other pre-modern peoples base their conclusions, but the logical processes are essentially the same the world over . . .

Radin, in particular, alleged that Lévy-Bruhl had stated that primitive man "never reached the logical stage at all". But as Scott Littleton points out:

. . . Lévy-Bruhl does *not* contend that *all* primitive thought is predicated on the "law of participation." As

in the case of Malinowski, one cannot help but assume that Radin failed to read him carefully, especially the last chapter . . .

Western thought has not wholly shrugged off prelogical or illogical thought patterns, despite the enormous achievements of the pagan Greek thinkers dedicated to the search for logical, scientific meaning. Illogical thought gained grip in Europe with the spread of oriental mystery religions in classical Greece and Rome. Furthermore, the spread of Judaeo-Christianity, first amongst the slave masses, and then amongst despotic rulers, brought with it an emphasis upon belief and faith, rather than upon questioning and enquiry, and upon the Will of God and the idea of God's "inscrutability", resulting in a long European lapse into a prelogical mode of thought, reducing Europe to the dark ages and to centuries of religious persecution:

. . . As Lévy-Bruhl points out in the all too often overlooked final paragraph of *How Natives Think* (p. 386), the participatory, or prelogical mode has lurked at the edges of Western culture since its inception, and at various times has all but displaced the rational thought-mode. One such time was the late Hellenistic and Roman period (ca. 100 B.C. to 400 A.D.), which was characterized by an obsession with mysticism and magic (cf. Seligmann 1968: 23f., Wilson 1971:176f.). Gnosticism, the Kabbala, Manichaeism, and a host of other esoteric cults and sects were spawned by this obsession, as was the inherently prelogical core of Christian theology itself — that is, the notion that God is at once singular and plural, and can manifest Himself simultaneously as Father, Son, and Holy Ghost. Indeed, many of the early Church Fathers, including the aforementioned Tertullian, would have been more at home intellectually with the participatory world-view shared by don Juan and his fellow *brujos* than Castaneda himself seems to have been at the outset of his spiritual odyssey! At the same time, the concept of the Trinity rapidly became one of the principal bones of contention among Christian theologians, from Arius and Athanasius to Thomas Aquinas, as they struggled to reconcile a universe predicated on the rule of non-contradiction with an idea rooted in a prelogical conception of reality.

SEX AND FRIENDSHIP IN BABOONS*Barbara Boardman Smuts*

Aldine Publishing Company

The findings suggest among other things, that the evolution of male reproductive strategies in baboons can only be understood by considering the relationship between sex and friendship: analysis of sexual consort partners indicates that females prefer to mate with males who have previously interacted with them and their offspring in friendly ways. The author argues that as a result of such female preference, natural selection may favor male investment in females and young.

Important contributions are contained in this book toward our understanding of the evolution of the family system, bearing in mind that pair-bonding is not the dominant characteristic of baboon troops.

In her study of baboon behavior, the author notes that mating tends to occur more frequently between male and female baboons who have formed long term 'friendly' relationships, and that males tend to develop strong attachments to the infants of friendly females — infants which, by statistical evidence, they are most likely to have sired. Clearly, they cannot be expected to have any knowledge of the genetic relationship, but the roots of the family are already present, it would seem, at this early prelogical phase of primate evolution.

What does all this mean? It means that infants which tend to be protected by males who have formed ongoing attachments to specific females have a better chance of survival. To the extent that the propensity for such attachments may have a genetic basis, there is an evolutionary advantage in favor of tendencies toward pair-bonding. These attachments are also accompanied by emotional conditions, and limited evidence is available that suggests the presence, amongst baboons, of grief (or at least of stress), at the loss of an infant or friend.

This is a most valuable survey of baboon behavior, which focuses on issues of great importance to the full understanding of human behavior. As the author reminds us, it was Charles Darwin who said that "He who understands the baboon would do more toward metaphysics than Locke".

In her concluding paragraphs the author observes that:

. . . Monkeys and apes show highly differentiated, long-term relationships between males and females in the absence of any economic exchange. These relationships are based, instead, on social reciprocity (cf. Reynolds, 1981; de Waal, 1982). It seems likely that hominid males offered females important social benefits long before they were capable of big game hunting. The nonhuman primate data suggest that protection from aggression by other hominids, and especially by other males, were probably amongst the most important benefits that an affiliated male could provide. Hominid females, similarly, could have provided important benefits to males long before they were capable of carrying gathered food back to a base camp. These benefits might have included support of the male during competition with other males, and, of course, choosing that male as a mate. Among nonhuman primates, exchange of social benefits does not require a pair-bonded mating system, but it does often seem to depend on long-term, affiliative relationships between particular females and particular males (or, in the case of chimpanzees, between particular females and a small group of males). Given the nonhuman primate data, it seems likely that hominid ancestors also had such relationships.

The significance of food-sharing as a causal basis for pair-bonding is therefore reduced to merely one factor amongst others. As the author continues:

If this hypothesis is correct, then the economic exchange engendered by a division of labor probably developed within the context of male-female relationships that had already existed for a very long time. The usual assumption is that close bonds between the sexes arose because of the need for food-sharing. It seems more likely that it was possible for male-female food-sharing to develop because females and males had already evolved the capacity for close bonds that allowed them to successfully negotiate reciprocal exchange.

The pre-hominid roots of human society consequently become more clear:

These ideas are speculative, but so must be all attempts to reconstruct our past. Although the specific conclusions derived from primate research will continue to engender

debate, a growing consensus among primatologists is emerging around a more general message. Our anthropoid relatives demonstrate extraordinary capacities for behavioral flexibility in the face of varying social and environmental conditions, and their social relationships approach our own in complexity and emotional valence. In accepting this message, we may lose a jealously guarded source of pride in our humanity: the conviction that only human beings can create rational societies. But this apparent loss pales in comparison to the potential gain . . .

NATIVES AND NEWCOMERS: CANADA'S "HEROIC AGE" RECONSIDERED

Bruce G. Trigger

McGill-Queen's, Buffalo, New York

Trigger shows that although Western European and native North American technologies were vastly unequal, prehistoric North American societies were far more dynamic in their reaction to European contacts than is generally believed. European technology was adopted where useful, and Indian clothing and art was affected by European stimuli. In the early days the Indians neither feared nor felt inferior to the Europeans. Native cultures flourished as European goods became available in return for furs. Nor did the Jesuit missionaries succeed in discrediting native religions. The failure of native rituals to cure the epidemics introduced by Europeans simply spurred the native shamans to communicate more intensively with the spirit world in order to find more effective remedies. Only gradually, as beaver stocks became depleted, did native groups have to compete with one another to obtain European goods. As wars and repeated epidemics devastated native groups and the European population increased, the Indians were increasingly less able to defend themselves against the Europeans, and in the end became dependent and demoralized.

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